

11:53:05AM 1 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

2

3 GARY GIBSON, JR. and SHAWNA)
GIBSON, husband and wife,) No. 8:16-cv-296

4 Plaintiffs,)

5 v.)

6 BRIESON JENSEN and FARMERS) TAKEN IN BEHALF
CO-OPERATIVE,) OF PLAINTIFFS

7 Defendants.)

8

9 APPEARANCES:

10 MR. ALEXANDER D. BOYD For Plaintiffs
Attorney at Law
11 FRASER, STRYKER, MEUSEY,
OLSON, BOYER & BLOCH
12 500 Energy Plaza
409 South 17th Street
13 Omaha, Nebraska 68102

14 MR. RANDALL L. GOYETTE For Defendants
Attorney at Law
15 BAYLOR, EVNEN, CURTISS,
GRIMIT & WITT
16 1248 O Street
Suite 600
17 Lincoln, Nebraska 68508

18

19

20 DEPOSITION OF BRIESON JENSEN, taken
21 at 12:23 p.m. on December 15, 2016, by Alvin J.
22 Thibault, RPR, CSR and General Notary Public in
23 and for the State of Nebraska, at Fraser Stryker,
24 500 Energy Plaza, 409 South 17th Street, Omaha,
25 Nebraska.

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EXHIBIT INDEX

Ex. No.	Pg. No.	Ref. No.	Description
5	1	17	Application for Employment
6	2	19	Ignition Interlock Permit and Social Security Card
7	3	30	Farmers Cooperative Company Policy dated June 14, 2013
8	4	53	Handwritten List
10	5	54	Mix Sheets
11	6	56	Four Pages of Google Aerial Maps
12	7	86	Six Pages of Photographs of Accident Site
13	8	87	Four Pages of Photographs of the Interior of RoGator
14	9	91	Twitter Pages (Gibson 001798-1821)
15	10	54	Statute 60-6,111



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12:23:12PM 1 MR. GOYETTE: Reserve all
12:23:13PM 2 objections except form and foundation until the
12:23:15PM 3 time of trial?

12:23:16PM 4 MR. BOYD: Absolutely.
5 BRIESON JENSEN
6 Of lawful age, being first
7 duly cautioned and solemnly
8 sworn as hereinafter certified,
9 was examined and testified as
10 follows:
11 DIRECT EXAMINATION
12 BY MR. BOYD:
13 Q. All right. Before we start, counsel
14 and I have agreed that this deposition is taken
15 pursuant to the Federal Rules of Civil Procedure,
16 all objections will be reserved for trial except
17 form and foundation.
18 Please state your name for the record.
19 A. Brieson Jensen.
20 Q. Please spell your name for the
21 record.
22 A. B R I E S O N , J E N S E N .
23 Q. Mr. Jensen, my name is Alex Boyd, and
24 we met just a little while ago. I'm the attorney
25 representing Gary Gibson and Shawna Gibson. I'm
here to ask you some questions about the lawsuit
that they've filed against you and Farmers
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12:24:05PM 1 Co-Operative. Do you understand that?

12:24:05PM 2 A. Yes.

12:24:06PM 3 Q. Okay. Have you had your deposition
12:24:07PM 4 taken before?

12:24:07PM 5 A. No, sir.

12:24:08PM 6 Q. I know you went over some of the
12:24:10PM 7 ground rules with your attorney. Basically we're
12:24:12PM 8 all under the understanding that we need verbal
12:24:15PM 9 responses, we wait to finish each other's
12:24:18PM 10 questions and answers before we start talking,
12:24:19PM 11 things of that nature, right?

12:24:20PM 12 A. Yes, sir.

12:24:21PM 13 Q. All right. If you have any
12:24:22PM 14 questions, if you don't understand my question,
12:24:24PM 15 let me know and I'll try to rephrase, otherwise
12:24:27PM 16 I'll assume you understood the question. If you
12:24:29PM 17 need a break, you can have one at any time. I'd
12:24:32PM 18 just ask that you answer whatever the pending
12:24:34PM 19 question is at that time. All right?

12:24:37PM 20 A. Yes, sir.

12:24:37PM 21 Q. Without telling me anything that you
12:24:38PM 22 discussed with your attorney, how did you
12:24:41PM 23 prepare, if at all, for today's deposition?

12:24:44PM 24 A. My attorney just kind of gave me the
12:24:47PM 25 ground rules and asked some questions about --
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12:24:50PM **1** **Q.** And I -- I don't want -- that's all
 12:24:53PM **2** privileged. I just -- you met with your attorney
 12:24:57PM **3** and that's fine. Did you talk with anyone else
 12:24:58PM **4** besides your attorney to prepare for today's
 12:25:00PM **5** deposition?
 12:25:01PM **6** **A.** **No, sir.**
 12:25:01PM **7** **Q.** Did you review any documents of any
 12:25:03PM **8** kind?
 12:25:03PM **9** **A.** **Yes, sir.**
 12:25:03PM **10** **Q.** Okay. What documents do you recall
 12:25:05PM **11** looking at?
 12:25:06PM **12** **A.** **Pictures of the accident and the**
 12:25:08PM **13** **claim, itself.**
 12:25:09PM **14** **Q.** The Complaint, like the pleading?
 12:25:15PM **15** Got it.
 12:25:16PM **16** **A.** **Yes.**
 12:25:16PM **17** **Q.** So some of the legal filings?
 12:25:20PM **18** **A.** **Yes.**
 12:25:21PM **19** **Q.** No other legal documents that you
 12:25:22PM **20** recall?
 12:25:22PM **21** **A.** **No, sir.**
 12:25:23PM **22** **Q.** Okay. What's your date of birth?
 12:25:24PM **23** **A.** **12/1/93.**
 12:25:25PM **24** **Q.** Where were you born at?
 12:25:26PM **25** **A.** **West Point, Nebraska.**

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12:25:27PM **1** **Q.** What's your current address?
 12:25:30PM **2** **A.** **I believe it is 921 North Twelfth**
 12:25:36PM **3** **Street. I don't write it down very often.**
 12:25:39PM **4** **Q.** Did you recently move?
 12:25:40PM **5** **A.** **I've lived there for about six**
 12:25:42PM **6** **months.**
 12:25:42PM **7** **Q.** Okay. What was your address before
 12:25:44PM **8** that?
 12:25:44PM **9** **A.** **514 Avenue E, Wisner, Nebraska.**
 12:25:47PM **10** **Q.** What prompted the move?
 12:25:51PM **11** **A.** **I was living with my parents while**
 12:25:53PM **12** **going to school and no longer went to school,**
 12:25:56PM **13** **so --**
 12:25:57PM **14** **Q.** Got it. How long -- you lived at the
 12:26:01PM **15** 514 address for your whole life or when did you
 12:26:05PM **16** move there?
 12:26:05PM **17** **A.** **That -- that has been my permanent**
 12:26:07PM **18** **address my whole life. I lived in Lincoln in an**
 12:26:11PM **19** **apartment for six months, maybe.**
 12:26:13PM **20** **Q.** Otherwise you've always lived at home
 12:26:16PM **21** at that address?
 12:26:17PM **22** **A.** **Yes, sir.**
 12:26:17PM **23** **Q.** Are you married?
 12:26:18PM **24** **A.** **No, sir.**
 12:26:19PM **25** **Q.** Did you attend high school?
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12:26:23PM **1** **A.** **Yes, sir.**
 12:26:23PM **2** **Q.** Where did you go to high school?
 12:26:24PM **3** **A.** **Wisner-Pilger.**
 12:26:26PM **4** **Q.** Did you graduate?
 12:26:27PM **5** **A.** **Yes, sir.**
 12:26:27PM **6** **Q.** What year?
 12:26:28PM **7** **A.** **2012.**
 12:26:29PM **8** **Q.** Have you attended any formal
 12:26:33PM **9** education after high school?
 12:26:34PM **10** **A.** **Yes, sir.**
 12:26:35PM **11** **Q.** Where at?
 12:26:36PM **12** **A.** **I did a semester at UNL for water law**
 12:26:40PM **13** **and policy and then a semester at Northeast**
 12:26:44PM **14** **Community College for agronomy.**
 12:26:47PM **15** **Q.** For what?
 12:26:47PM **16** **A.** **Agronomy.**
 12:26:50PM **17** **Q.** Okay. Did you receive any degrees?
 12:26:52PM **18** **A.** **No, sir.**
 12:26:53PM **19** **Q.** Any other formal education other than
 12:26:58PM **20** those two classes?
 12:27:00PM **21** **A.** **No, sir.**
 12:27:03PM **22** **Q.** Okay. Ever been a member of the
 12:27:04PM **23** armed forces?
 12:27:05PM **24** **A.** **Yes, sir.**
 12:27:05PM **25** **Q.** What branch?

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12:27:07PM **1** **A.** **Nebraska National Guard.**
 12:27:09PM **2** **Q.** When did you enlist there?
 12:27:11PM **3** **A.** **I enlisted in 2011, March 21st, I**
 12:27:14PM **4** **believe.**
 12:27:14PM **5** **Q.** Are you still enlisted there?
 12:27:16PM **6** **A.** **Yes, sir.**
 12:27:16PM **7** **Q.** And your -- what duties do you have
 12:27:19PM **8** as part of that?
 12:27:20PM **9** **A.** **I have been a -- an 88 Mike, which is**
 12:27:24PM **10** **a motor transport operator, essentially a truck**
 12:27:27PM **11** **driver, and I also assisted in parachute rigging**
 12:27:31PM **12** **processes for heavy drops, and I'm currently -- I**
 12:27:35PM **13** **just got promoted to sergeant for motor transport**
 12:27:38PM **14** **operator.**
 12:27:39PM **15** **Q.** So what kind of time commitment is
 12:27:47PM **16** the National Guard for you?
 12:27:49PM **17** **A.** **One weekend a month, two weeks a**
 12:27:51PM **18** **year.**
 12:27:52PM **19** **Q.** When you first enlisted, did you have
 12:27:55PM **20** to go through some kind of basic training?
 12:27:57PM **21** **A.** **Yes, sir. Ten weeks in Fort Jackson,**
 12:28:00PM **22** **South Carolina and I believe eight weeks at Fort**
 12:28:06PM **23** **Leonard Wood for job training.**
 12:28:08PM **24** **Q.** And so as part of your -- I'll call
 12:28:09PM **25** it truck driving duties, whatever you want to
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12:28:11PM **1** call it, what kind of specific training, if any,

12:28:13PM **2** did you have for that?

12:28:14PM **3** **A. Learn how to properly maintain them,**

12:28:18PM **4 then drive them, load and unload cargo and other**

12:28:25PM **5 assorted truck driving duties.**

12:28:26PM **6** **Q.** Okay. When you say learn how to

12:28:28PM **7** properly drive them, I guess just kind of -- give

12:28:31PM **8** me an overview of what kind of training that was.

12:28:35PM **9** **A. For the advanced individual training,**

12:28:38PM **10 I believe there are four different vehicle**

12:28:41PM **11 systems. You're given, like, two days of**

12:28:47PM **12 maintenance and preventative stuff and then**

12:28:50PM **13 another three days of -- or, no, it was probably**

12:28:55PM **14 longer than three days, it was probably a week of**

12:29:01PM **15 driving training and then test out. If you pass**

12:29:04PM **16 the test you move on; if you fail the test you**

12:29:08PM **17 get recycled.**

12:29:11PM **18** **Q.** So was that generally what you were

12:29:13PM **19** doing those -- those weekends and two weeks was

12:29:15PM **20** driving those vehicles?

12:29:16PM **21** **A. Yes, sir.**

12:29:17PM **22** **Q.** Whereabouts did you drive those? In

12:29:21PM **23** the state or all over?

12:29:22PM **24** **A. I can tell you that was in the state.**

12:29:26PM **25** **Q.** Okay. Generally on just public
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12:29:31PM **1** roads?

12:29:31PM **2** **A. Yes, sir.**

12:29:31PM **3** **Q.** So do you still have those kinds of

12:29:42PM **4** truck driving responsibilities?

12:29:43PM **5** **A. And more.**

12:29:44PM **6** **Q.** Just generally what did they add onto

12:29:49PM **7** that?

12:29:49PM **8** **A. I -- I --**

12:29:50PM **9** **Q.** You said rig the parachutes?

12:29:52PM **10** **A. Well, that unit no longer exists, but**

12:29:55PM **11 I am now in charge of other truck drivers, so I**

12:29:58PM **12 have to plan routes and other safety concerns.**

12:29:58PM **13** **Q.** Okay. What kind of safety concerns

12:29:58PM **14** generally are you concerned with?

12:30:11PM **15** **A. Mitigating accidents due to weather**

12:30:12PM **16 and inexperience and things like that. So, okay,**

12:30:15PM **17 you're inexperienced, we're going to put you with**

12:30:18PM **18 a more experienced driver.**

12:30:21PM **19** **Q.** Are these multi -- are these vehicles

12:30:25PM **20** driven by more than one person at a time?

12:30:27PM **21** **A. There is -- I believe according to**

12:30:30PM **22 Army policies for a military vehicle you have to**

12:30:34PM **23 have a driver and then a co-driver, and the**

12:30:37PM **24 co-driver's responsibility is to keep an eye on**

12:30:41PM **25 the driver and make sure they are applying what**
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12:30:47PM **1** **they've learned.**

12:30:48PM **2** **Q.** Did you have to undergo any

12:30:55PM **3** additional training to become kind of a

12:30:59PM **4** supervisory role that you've got now?

12:31:00PM **5** **A. I have to go to school at some point.**

12:31:03PM **6** **I -- scheduling-wise it's been difficult to find**

12:31:07PM **7 the right time to do it.**

12:31:08PM **8** **Q.** Any other techniques or rules of

12:31:17PM **9** thumb that you use to avoid accidents for

12:31:22PM **10** inexperienced drivers besides putting them with

12:31:23PM **11** an experienced driver?

12:31:24PM **12** **A. Just to make sure they know the**

12:31:28PM **13 braking power and to follow the speeds set by the**

12:31:33PM **14 convoy and eyes on the road, things like that.**

12:31:42PM **15** **Q.** Okay. So let's talk about, other

12:31:45PM **16** than Army National Guard, any -- what was the

12:31:48PM **17** other -- first employment after high school?

12:31:49PM **18** **A. My first employment after high**

12:31:53PM **19 school, it would have been, like, two weeks**

12:31:55PM **20 helping out at a Pioneer Seed plant in York or**

12:32:00PM **21 Seward, and I got a job at the Farmers**

12:32:05PM **22 Co-Operative in Pilger.**

12:32:06PM **23** **Q.** At the seed plant what was your role

12:32:08PM **24** there?

12:32:08PM **25** **A. I was relabeling seed.**
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12:32:13PM **1** **Q.** Okay. Any employment during high

12:32:18PM **2** school?

12:32:18PM **3** **A. I worked at a feedlot from the '84**

12:32:22PM **4 season through graduation.**

12:32:24PM **5** **Q.** Kind of miscellaneous labor, whatever

12:32:26PM **6** they needed?

12:32:27PM **7** **A. Yeah. I started feeding when I was**

12:32:31PM **8 16.**

12:32:34PM **9** **Q.** You were employed by Farmers Co-Op --

12:32:39PM **10** and I may refer to it as the Co-Op, you

12:32:45PM **11** understand what we're talking about, the

12:32:47PM **12** defendant in this case?

12:32:48PM **13** **A. Yes.**

12:32:48PM **14** **Q.** You were employed for the Co-Op on

12:32:50PM **15** June 26th, 2013; is that right?

12:32:52PM **16** **A. Yes.**

12:32:53PM **17** **Q.** Are you still employed by the Co-Op?

12:32:54PM **18** **A. No, sir.**

12:32:55PM **19** **Q.** When did you stop working for the

12:32:57PM **20** Co-Op?

12:32:57PM **21** **A. Sometime in November of 2013.**

12:33:00PM **22** **Q.** Okay. Was that the end of the season

12:33:04PM **23** or what prompted the leave?

12:33:06PM **24** **A. I believe so.**

12:33:08PM **25** **Q.** You voluntarily left?
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12:33:11PM **1 A. Well, as far as I understand I was**
 12:33:14PM **2 hired as a seasonal helper, and since the**
 12:33:16PM **3 spraying season was over, my job became**
 12:33:22PM **4 redundant, I guess, so I was asked.**
 12:33:25PM **5 Q. They didn't need your help anymore?**
 12:33:26PM **6 A. Yeah.**
 12:33:27PM **7 Q. Did you reapply for the next year?**
 12:33:29PM **8 A. No.**
 12:33:38PM **9 Q. Let's talk about the time right**
 12:33:41PM **10 before when you joined the Co-Op. How did you**
 12:33:44PM **11 learn about the Co-Op and them having any**
 12:33:47PM **12 positions open? How did that come about?**
 12:33:49PM **13 A. My father used to be employed by the**
 12:33:51PM **14 Co-Op before he moved on to a better position,**
 12:33:55PM **15 and he was close with the old general manager,**
 12:34:00PM **16 and my dad knew I was interested in agronomy and**
 12:34:08PM **17 said I'll talk to him, see if they have a job**
 12:34:12PM **18 open. And then like a week later I was**
 12:34:15PM **19 interviewing for the job.**
 12:34:19PM **20 Q. Okay. Who was the old manager that**
 12:34:17PM **21 your dad was close to?**
 12:34:18PM **22 A. Jerry Wyatt.**
 12:34:20PM **23 Q. He's not there anymore?**
 12:34:23PM **24 A. He -- he was the interim general**
 12:34:26PM **25 manager at the time of my hiring.**
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12:35:38PM **1 constructive and productive.**
 12:35:46PM **2 Q. And this may be kind of a difficult**
 12:35:48PM **3 topic, but I guess, you know, can you give me a**
 12:35:51PM **4 little more information about what you mean by a**
 12:35:54PM **5 breakdown? What are you talking about?**
 12:35:56PM **6 A. I was diagnosed with severe**
 12:35:58PM **7 depression.**
 12:36:00PM **8 Q. When you were living in -- were you**
 12:36:02PM **9 going to school at that time?**
 12:36:03PM **10 A. Yes.**
 12:36:03PM **11 Q. That was down in Lincoln?**
 12:36:04PM **12 A. Yes.**
 12:36:05PM **13 Q. That diagnosis happened when you were**
 12:36:11PM **14 in Lincoln, and then after the diagnosis you**
 12:36:13PM **15 moved back home?**
 12:36:14PM **16 A. Yes.**
 12:36:16PM **17 Q. Okay. Did you work for anyone from**
 12:36:22PM **18 the time you moved back home in March of 2013**
 12:36:25PM **19 until you started with the Co-Op?**
 12:36:26PM **20 A. No. No, sir.**
 12:36:27PM **21 Q. So you talked to your dad about they**
 12:36:41PM **22 had a position open, looking for something**
 12:36:43PM **23 constructive, and then you said about a week**
 12:36:44PM **24 later you had an interview?**
 12:36:45PM **25 A. Yes, sir.**
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12:34:28PM **1 Q. And what was your dad's position with**
 12:34:32PM **2 the Co-Op?**
 12:34:33PM **3 A. I believe he was the head of**
 12:34:35PM **4 agronomy.**
 12:34:36PM **5 Q. When you say agronomy, I guess give**
 12:34:41PM **6 me a definition of what you're referring to.**
 12:34:43PM **7 A. So that would essentially deal with**
 12:34:45PM **8 selling fertilizer, seed and pesticides and**
 12:34:51PM **9 sometimes going out to the field and making the**
 12:34:53PM **10 recommendations them self.**
 12:34:56PM **11 Q. Okay. So your dad was head of**
 12:35:00PM **12 agronomy, he was close to Mr. Wyatt, and he knew**
 12:35:04PM **13 you were looking for work?**
 12:35:05PM **14 A. In about -- about, I believe,**
 12:35:10PM **15 March 1st I suffered a mental breakdown and**
 12:35:17PM **16 that's when I originally moved back with my**
 12:35:19PM **17 parents.**
 12:35:20PM **18 Q. And it was March 1st of 2013?**
 12:35:21PM **19 A. Yes.**
 12:35:22PM **20 Q. Okay. So you moved in with your**
 12:35:28PM **21 parents sometime around March 1st?**
 12:35:29PM **22 A. Yes.**
 12:35:32PM **23 Q. And as part of living at home, he**
 12:35:34PM **24 wanted you to get a job?**
 12:35:35PM **25 A. Well, it was just something**
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BRIESON - DIRECT (Boyd)

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12:36:46PM **1 Q. Did you -- I guess kind of describe**
 12:36:49PM **2 the process for me. What was the timeline for**
 12:36:52PM **3 the --**
 12:36:52PM **4 A. I went in, I think, like eight in the**
 12:36:55PM **5 morning, talked to Jerry and then I talked to**
 12:36:58PM **6 Aaron.**
 12:36:59PM **7 Q. Aaron?**
 12:37:00PM **8 A. Becker.**
 12:37:00PM **9 Q. Okay.**
 12:37:01PM **10 A. And they kind of gave me a rundown of**
 12:37:05PM **11 what my responsibilities would be. I was**
 12:37:09PM **12 supposed to, like, mow the lawn, be the yard boy,**
 12:37:13PM **13 and somebody needs help here, someone needs help**
 12:37:16PM **14 here, that's where I was going to be. I agreed**
 12:37:20PM **15 to those terms, and then I believe I started**
 12:37:24PM **16 working, like, the following Monday.**
 12:37:28PM **17 Q. Okay. Did you fill out -- do you**
 12:37:31PM **18 recall filling out any kind of application before**
 12:37:35PM **19 for the interview?**
 12:37:36PM **20 A. Yes.**
 12:37:36PM **21 Q. You filled out an application. Did**
 12:37:38PM **22 you give that to your dad or --**
 12:37:40PM **23 A. I gave that to Jerry.**
 12:37:42PM **24 Q. Okay. And then the same day of the**
 12:37:46PM **25 interview?**
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12:37:46PM **1 A. Yes.**
 12:37:46PM **2** (Deposition Exhibit Number 1 was
 12:38:17PM **3** marked for identification.)
 12:38:17PM **4 Q.** All right. Handing you what's been
 12:38:19PM **5** marked as Exhibit No. 1, do you recognize Exhibit
 12:38:22PM **6** No. 1?
 12:38:22PM **7 A. Yes.**
 12:38:24PM **8 Q.** Is this the application that you
 12:38:25PM **9** filed on the day of your interview with the
 12:38:27PM **10** Farmers Co-Op?
 12:38:28PM **11 A. Yes.**
 12:38:28PM **12 Q.** So this is your handwriting?
 12:38:30PM **13 A. Yes.**
 12:38:36PM **14 Q.** You weren't currently employed at the
 12:38:38PM **15** time, were you?
 12:38:38PM **16 A. No, sir.**
 12:38:39PM **17 Q.** Is there a reason you didn't mark
 12:38:41PM **18** that on there where it's blank? That's why I
 12:38:47PM **19** ask.
 12:38:48PM **20 A. I was -- like, at the time I was**
 12:38:51PM **21 doing part-time stuff for the Guard, but it**
 12:38:55PM **22 wasn't -- like, I wasn't fully on orders, but if**
 12:38:58PM **23 I was able to come in, or if not.**
 12:39:04PM **24 Q.** So you were working for the National
 12:39:06PM **25** Guard at the time but not in a consistent
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19

12:40:25PM **1 A. Yes, sir.**
 12:40:25PM **2 Q.** What is Exhibit No. 2?
 12:40:29PM **3 A. Exhibit No. 2 is my ignition**
 12:40:32PM **4 interlock permit and my Social Security card.**
 12:40:37PM **5 Q.** So is it your understanding that you
 12:40:40PM **6** provided these documents or these cards to the
 12:40:42PM **7** Co-Op when you actually started working for the
 12:40:44PM **8** Co-Op as part of the intake --
 12:40:44PM **9 A. I believe.**
 12:40:48PM **10 Q.** -- procedure. Just looking at the
 12:40:49PM **11** date on the license, it says April 19th, 2013.
 12:40:53PM **12** That leads me to believe that this was given to
 12:40:56PM **13** the Co-Op sometime after you actually applied.
 12:40:58PM **14** Does that sound right to you?
 12:40:59PM **15 A. Yes, sir.**
 12:41:00PM **16 Q.** Okay. So do you think you gave it to
 12:41:06PM **17** someone your first day at the job for the Co-Op?
 12:41:10PM **18 A. No, sir, because I do recall it was**
 12:41:13PM **19 about a week or so my father was dropping me off**
 12:41:18PM **20 because I was not legally able to drive.**
 12:41:21PM **21 Q.** Okay. So -- so the first day,
 12:41:25PM **22** whenever you started for the Co-Op -- and what
 12:41:27PM **23** day do you recall actually starting for the
 12:41:30PM **24** Co-Op?
 12:41:31PM **25 A. I don't.**
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12:39:08PM **1** capacity?
 12:39:09PM **2 A. Yes.**
 12:39:09PM **3 Q.** So that's how you answered that
 12:39:11PM **4** question?
 12:39:12PM **5 A. Exactly, I guess.**
 12:39:12PM **6 Q.** Okay. Understood. You said the date
 12:39:15PM **7** you could start was April 10, 2013. Do you
 12:39:19PM **8** recall why that date was important to you?
 12:39:20PM **9 A. No, sir.**
 12:39:21PM **10 Q.** Probably when you could get things in
 12:39:23PM **11** order and start up. Looks like on the last page
 12:39:34PM **12** you put down some references; is that right?
 12:39:36PM **13 A. Yes, sir.**
 12:39:36PM **14 Q.** I think it's one more page after
 12:39:40PM **15** that. Do you know if the Co-Op had contacted any
 12:39:45PM **16** of your references?
 12:39:45PM **17 A. I have no idea.**
 12:39:52PM **18 Q.** Other than Exhibit No. 1, do you
 12:39:55PM **19** recall filling out any other kind of paperwork as
 12:39:58PM **20** a part of the interview or application process?
 12:40:00PM **21 A. I do not recall.**
 12:40:00PM **22** (Deposition Exhibit Number 2 was
 12:40:19PM **23** marked for identification.)
 12:40:19PM **24 Q.** Showing you what's been marked as
 12:40:21PM **25** Exhibit No. 2, do you recognize Exhibit No. 2?
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12:41:31PM **1 Q.** Okay. But you started sometime in
 12:41:35PM **2** April of 2013, does that sound right?
 12:41:37PM **3 A. Yes, sir.**
 12:41:37PM **4 Q.** So for the first week you were
 12:41:39PM **5** working for the Co-Op but you weren't legally
 12:41:43PM **6** allowed to drive and so your dad was dropping you
 12:41:45PM **7** off?
 12:41:45PM **8 A. Yes, sir.**
 12:41:46PM **9 Q.** So at some time during that week or
 12:41:49PM **10** after that week then you obtained the ignition
 12:41:52PM **11** interlock permit?
 12:41:53PM **12 A. Yes, sir.**
 12:41:54PM **13 Q.** So once you got that permit, you were
 12:41:56PM **14** able to drive yourself to work?
 12:41:58PM **15 A. Yes, with an ignition interlock.**
 12:42:00PM **16 Q.** In your personal vehicle?
 12:42:01PM **17 A. Yes.**
 12:42:02PM **18 Q.** So once you had that, then you must
 12:42:04PM **19** have given that to Co-Op along with your Social
 12:42:06PM **20** Security card?
 12:42:07PM **21 A. Yes, sir.**
 12:42:07PM **22 Q.** Did they ask for that or how did you
 12:42:09PM **23** go about giving them a copy of that?
 12:42:10PM **24 A. I believe they asked me about it, and**
 12:42:13PM **25 I believe every place I've ever been hired, they**
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12:42:17PM **1 automatically ask for a driver's license and**
 12:42:20PM **2 Social Security card.**
 12:42:23PM **3 Q.** So tell me what -- what led to the
 12:42:30PM **4** ignition interlock aspect of your license?
 12:42:33PM **5 A. I received a DUI.**
 12:42:35PM **6 Q.** Do you recall when that -- when the
 12:42:37PM **7** actual DUI was?
 12:42:38PM **8 A. November 11th, 2012.**
 12:42:40PM **9 Q.** Tell me, after -- what happened after
 12:42:52PM **10** the -- after you were arrested for the DUI, what
 12:42:56PM **11** was the timeline of events regarding that?
 12:42:59PM **12 A. I had a case -- or I had a trial,**
 12:43:03PM **13 like, December 20th or something along those**
 12:43:07PM **14 lines. I was late for the trial, so I was**
 12:43:14PM **15 remanded to -- or my bail was revoked. I had to**
 12:43:19PM **16 repay that and the trial was rescheduled. That**
 12:43:25PM **17 was at the time where I was battling depression,**
 12:43:28PM **18 so, like, just kind of failed to go the second**
 12:43:34PM **19 time. Got an attorney and kind of ironed things**
 12:43:38PM **20 out, and I think it was April 1st when things**
 12:43:42PM **21 were settled.**
 12:43:45PM **22 Q.** So you say "settled." Did you have a
 12:43:47PM **23** trial or did you plead?
 12:43:49PM **24 A. I pled guilty.**
 12:43:50PM **25 Q.** Did you have to spend any time
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12:44:55PM **1 was suspended from that point until the time of**
 12:44:59PM **2 the accident -- or the time of the --**
 12:45:00PM **3 Q.** Okay. So from the date of the DUI
 12:45:03PM **4** until April 1st, you had your license during that
 12:45:06PM **5** period of time?
 12:45:07PM **6 A. No, sir.**
 12:45:07PM **7 Q.** So it was suspended as soon as -- it
 12:45:11PM **8** was after the arrest?
 12:45:11PM **9 A. Yes.**
 12:45:13PM **10 Q.** Okay. And then you didn't have any
 12:45:15PM **11** kind of driving permission until April 19th?
 12:45:19PM **12 A. Yes, sir.**
 12:45:20PM **13 Q.** I've got to make sure I kind of
 12:45:24PM **14** understand the timeline. Did anyone at -- did
 12:45:30PM **15** you talk to anyone at the Co-Op about the fact
 12:45:33PM **16** that you had an ignition interlock permit?
 12:45:35PM **17 A. Yes, sir.**
 12:45:37PM **18 Q.** Who did you talk to?
 12:45:37PM **19 A. I believe everyone at the Co-Op knew**
 12:45:39PM **20 that I had an ignition interlock permit.**
 12:45:42PM **21 Q.** And what -- describe to us
 12:45:46PM **22** communications or what -- I mean, how do you know
 12:45:49PM **23** that everyone knew?
 12:45:50PM **24 A. Well, there were times when they**
 12:45:53PM **25 needed someone to run out to the field or**
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12:43:54PM **1** incarcerated or in jail between the time of the
 12:43:56PM **2** incident and April 1st?
 12:43:57PM **3 A. When my -- the night of the incident**
 12:44:01PM **4 and then when my bond was revoked.**
 12:44:06PM **5 Q.** How long did you have to spend
 12:44:08PM **6** incarcerated after the bond was revoked?
 12:44:11PM **7 A. Eight hours, maybe.**
 12:44:16PM **8 Q.** Okay. So as part of your plea, did
 12:44:19PM **9** you have to agree to get an ignition interlock
 12:44:23PM **10** permit?
 12:44:23PM **11 A. Yes, I believe so. It was part of**
 12:44:25PM **12 the sentencing process.**
 12:44:25PM **13 Q.** Okay. At the end of it all, part of
 12:44:29PM **14** the requirements was you had to get the ignition
 12:44:31PM **15** interlock permit?
 12:44:32PM **16 A. Yes, sir.**
 12:44:32PM **17 Q.** And so between April 1st and -- was
 12:44:36PM **18** your license ever --
 12:44:38PM **19 A. Yes, sir.**
 12:44:38PM **20 Q.** -- suspended? And when was it
 12:44:41PM **21** suspended?
 12:44:41PM **22 A. It was -- it was suspended almost**
 12:44:43PM **23 immediately after. Actually, I think it was --**
 12:44:47PM **24 it was on the administration suspension or**
 12:44:50PM **25 whatever it's called for the 15 days, and then it**
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12:45:55PM **1 something and I had to take my personal vehicle**
 12:46:01PM **2 because that was the only vehicle I was legally**
 12:46:04PM **3 allowed to drive.**
 12:46:05PM **4 Q.** So they knew, since you had to take
 12:46:07PM **5** your personal vehicle was because of that
 12:46:10PM **6** ignition interlock requirement?
 12:46:12PM **7 A. Yes.**
 12:46:12PM **8 Q.** Okay. Did you talk to Mr. Wyatt
 12:46:16PM **9** about the ignition interlock requirement?
 12:46:19PM **10 A. Yes.**
 12:46:20PM **11 Q.** Did he have any concerns about that
 12:46:22PM **12** at all?
 12:46:22PM **13 A. No, sir.**
 12:46:22PM **14 Q.** Any other management that you recall
 12:46:25PM **15** talking to them about the ignition interlock
 12:46:28PM **16** requirement?
 12:46:28PM **17 A. Aaron.**
 12:46:29PM **18 Q.** And what do you recall about that
 12:46:30PM **19** conversation?
 12:46:30PM **20 A. I told him I had one, and then when I**
 12:46:35PM **21 got my actual licence back, I let him know that**
 12:46:39PM **22 also.**
 12:46:50PM **23 Q.** Other than your personal vehicle, did
 12:46:52PM **24** you drive any other vehicles during the time the
 12:46:57PM **25** ignition interlock permit was active?
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12:46:59PM **1 A. An ATV or a golf cart.**

12:47:02PM **2 Q.** Those kind of vehicles didn't have to

12:47:06PM **3** have ignition interlocks?

12:47:07PM **4 A. No, sir.**

12:47:09PM **5 Q.** Did you drive any of the Co-Op's

12:47:12PM **6** agricultural equipment during the time this

12:47:15PM **7** ignition interlock permit was active?

12:47:18PM **8 A. Not on the road.**

12:47:19PM **9 Q.** Just in the field?

12:47:20PM **10 A. Or around the Co-Op's property.**

12:47:24PM **11 Q.** But not on a public road?

12:47:26PM **12 A. No, sir.**

12:47:33PM **13 Q.** Okay. So is it -- was it purposeful

12:47:35PM **14** not to drive it on the road because of their

12:47:38PM **15** requirements?

12:47:38PM **16 A. Yes, sir.**

12:47:39PM **17 Q.** Is it your understanding that you

12:47:42PM **18** could drive any vehicles as long as it wasn't on

12:47:47PM **19** the road, or what was your understanding of what

12:47:48PM **20** the specific requirement was?

12:47:49PM **21 A. It was my understanding that the**

12:47:53PM **22 vehicles that I was operating did not require a**

12:47:56PM **23 driver's license on private property.**

12:48:04PM **24 Q.** Did you have to take any kind of a

12:48:16PM **25** medical exam as part of your hiring process with
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12:49:09PM **1 commercially. It allows them to spray pesticides**

12:49:13PM **2 that may be hazardous. Like you have to take, I**

12:49:18PM **3 think, like, a 200-question test which is very**

12:49:23PM **4 difficult and after that you are certified for, I**

12:49:27PM **5 believe, three years, starting April 15th until**

12:49:30PM **6 three years from that date.**

12:49:33PM **7 Q.** So it was something that the Co-Op

12:49:37PM **8** requested that you do?

12:49:37PM **9 A. No. I volunteered personally to do**

12:49:37PM **10 that.**

12:49:41PM **11 Q.** Why is that?

12:49:42PM **12 A. I -- there was talk about after I got**

12:49:46PM **13 my license back for I guess giving me more**

12:49:54PM **14 responsibility as an applicator versus just a**

12:49:57PM **15 yard person.**

12:49:58PM **16 Q.** Did you have to have any kind of a

12:50:01PM **17** training course in order to prepare you to take

12:50:03PM **18** that test?

12:50:05PM **19 A. I was given a book about two, three**

12:50:08PM **20 inches thick and told to study.**

12:50:11PM **21 Q.** Was that book -- do you know, was

12:50:14PM **22** that a state issued book?

12:50:16PM **23 A. I believe so.**

12:50:16PM **24 Q.** Something the State of Nebraska put

12:50:19PM **25** together as sort of a training guide?
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12:48:19PM **1** the Co-Op?

12:48:20PM **2 A. I don't remember.**

12:48:21PM **3 Q.** You don't recall having a medical

12:48:24PM **4** exam?

12:48:24PM **5 A. No.**

12:48:24PM **6 Q.** Did you need any kind of a special

12:48:28PM **7** license to do any of your duties at the Co-Op?

12:48:32PM **8 A. No, but I did achieve an applicator**

12:48:36PM **9 permit.**

12:48:36PM **10 Q.** Allowing you to commercially apply

12:48:40PM **11** chemicals?

12:48:40PM **12 A. To -- to commercially apply**

12:48:43PM **13 restricted use product.**

12:48:45PM **14 Q.** Okay. So you didn't need any kind of

12:48:47PM **15** special driver's license -- you didn't need a

12:48:50PM **16** CDL, for example?

12:48:51PM **17 A. I was never driving a semi.**

12:48:53PM **18 Q.** And there was no other special

12:48:55PM **19** driver's licenses you were aware that you would

12:48:56PM **20** have needed?

12:48:57PM **21 A. No.**

12:48:57PM **22 Q.** Tell me about that certification that

12:49:03PM **23** you referenced.

12:49:04PM **24 A. The applicator's permit is**

12:49:06PM **25 essentially for people that wish to spray**
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12:50:21PM **1 A. Yes.**

12:50:23PM **2 Q.** Do you recall when you got that

12:50:25PM **3** certification?

12:50:27PM **4 A. Early June -- or mid May to early**

12:50:33PM **5 June.**

12:50:34PM **6 Q.** 2013?

12:50:39PM **7 A. Yes, sir.**

12:50:40PM **8 Q.** Did you -- did Co-Op administer any

12:50:49PM **9** tests to you as part of your interview or

12:50:52PM **10** application process? Any driving tests or road

12:50:55PM **11** tests at all?

12:50:56PM **12 A. Not during the application process.**

12:51:00PM **13 Q.** So for the first month or so describe

12:51:08PM **14** your duties at the Co-Op.

12:51:09PM **15 A. I spent a lot of time in the shop and**

12:51:13PM **16 picking chemicals for the applicators. I believe**

12:51:18PM **17 I spent some time at the 57 spur at their liquid**

12:51:24PM **18 plant getting that up and running for the season.**

12:51:29PM **19 Q.** Those were duties that were sort of

12:51:32PM **20** anticipated when you first applied?

12:51:33PM **21 A. And went along, yes.**

12:51:37PM **22 Q.** Okay. Do you know if the Co-Op

12:51:39PM **23** performed any kind of background check as part of

12:51:42PM **24** the application process?

12:51:42PM **25 A. I do not.**
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12:51:43PM **1 Q.** Do you recall giving them a consent
 12:51:46PM **2** to do a background check at all?
 12:51:47PM **3 A. I do not.**
 12:51:49PM **4 Q.** You just don't recall?
 12:51:51PM **5 A. I --**
 12:51:53PM **6 Q.** Correct?
 12:51:54PM **7 A. Yes.**
 12:51:54PM **8 Q.** Okay. Do you recall receiving any
 12:52:01PM **9** written materials from the Co-Op at any time
 12:52:05PM **10** after you were hired regarding company policies,
 12:52:08PM **11** handbooks, anything like that?
 12:52:09PM **12 A. I do not.**
 12:52:22PM **13** (Deposition Exhibit Number 3 was
 12:52:22PM **14** marked for identification.)
 12:52:22PM **15 Q.** I'm handing you what's been marked as
 12:52:25PM **16** Exhibit No. 3. Do you recognize this document at
 12:52:27PM **17** all?
 12:52:27PM **18 A. I do.**
 12:52:29PM **19 Q.** Do you recall receiving a copy of
 12:52:31PM **20** this at any point?
 12:52:32PM **21 A. I may have. I just don't -- it's**
 12:52:39PM **22 been awhile.**
 12:52:39PM **23 Q.** Sure. But looking at it now, you
 12:52:42PM **24** think that you -- you did probably receive a copy
 12:52:44PM **25** of it at some point?
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12:52:45PM **1 A. Yes.**
 12:52:47PM **2 Q.** Do you have any recollection as to
 12:52:48PM **3** when you would have received that?
 12:52:49PM **4 A. Yes, within my first two weeks of**
 12:52:53PM **5 hire.**
 12:52:54PM **6 Q.** And looks like -- to me it looks like
 12:52:57PM **7** it's dated June 14th, 2013, so you were -- you
 12:53:02PM **8** were actually working with them during that time,
 12:53:04PM **9** right?
 12:53:04PM **10 A. Yes.**
 12:53:05PM **11 Q.** So at some point after that you
 12:53:07PM **12** believe you received a copy of it?
 12:53:08PM **13 A. Yes.**
 12:53:09PM **14 Q.** Do you recall if you read through the
 12:53:10PM **15** policy at the time?
 12:53:12PM **16 A. I scanned it.**
 12:53:14PM **17 Q.** Did they make you, like, sign a form
 12:53:17PM **18** or anything saying you received this, do you
 12:53:19PM **19** recall?
 12:53:19PM **20 A. I do not recall.**
 12:53:21PM **21 Q.** This policy talks about a manager --
 12:53:32PM **22** for example, number 3 says a manager shall at all
 12:53:34PM **23** times hire employees. Do you know who the,
 12:53:38PM **24** quote, manager is of the Co-Op as of June 14th,
 12:53:43PM **25** 2013?
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12:53:43PM **1 A. That would have been Aaron Becker.**
 12:53:45PM **2 Q.** And what are his duties, your
 12:53:50PM **3** understanding, as the manager?
 12:53:51PM **4 A. He is the general manager of the**
 12:53:53PM **5 Co-Op, so he is in charge of the whole picture.**
 12:53:59PM **6 Q.** Is there anyone above him?
 12:54:01PM **7 A. The Co-Op board.**
 12:54:10PM **8 Q.** Okay. This policy also talks about
 12:54:12PM **9** department managers. Do you know who your
 12:54:18PM **10** department managers were at the time you were
 12:54:20PM **11** first hired?
 12:54:20PM **12 A. Not for the yard duties, but for the**
 12:54:26PM **13 applying duties it would have been Rich**
 12:54:30PM **14 Brahmer, and I feel really bad about saying this,**
 12:54:35PM **15 but I didn't get to meet the guy very often, so I**
 12:54:37PM **16 don't recall his name, and he passed away**
 12:54:38PM **17 probably about October of 2013.**
 12:54:43PM **18 Q.** Another -- someone besides Rich
 12:54:45PM **19** Brahmer?
 12:54:46PM **20 A. Rich Brahmer came in as the interim.**
 12:54:48PM **21 Q.** After the other person passed away?
 12:54:50PM **22 A. He was diagnosed, I believe, with**
 12:54:52PM **23 pancreas cancer and --**
 12:54:55PM **24 Q.** So -- so when you -- when you first
 12:54:57PM **25** started the actual application, who was the
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12:55:00PM **1** department manager at the time you started the
 12:55:02PM **2** application? Whoever the other guy is?
 12:55:04PM **3 A. Yes.**
 12:55:04PM **4 Q.** Okay. And then at some point he fell
 12:55:07PM **5** ill and Mr. Brahmer replaced him?
 12:55:11PM **6 A. Yes, sir.**
 12:55:13PM **7 Q.** Okay. Do you recall when Mr. Brahmer
 12:55:16PM **8** replaced him? Was it before or after the
 12:55:17PM **9** accident?
 12:55:17PM **10 A. It was before.**
 12:55:26PM **11 Q.** Okay. This policy talks about random
 12:55:28PM **12** drug testing. Do you recall ever being drug
 12:55:31PM **13** tested during your time with the Co-Op?
 12:55:33PM **14 A. No, sir. After the accident, I was**
 12:55:36PM **15 drug tested at the hospital.**
 12:55:37PM **16 Q.** Okay. Other than after the accident?
 12:55:40PM **17 A. No.**
 12:55:41PM **18 Q.** Had you -- other than Exhibit No. 3,
 12:55:53PM **19** any other written policies, handbooks, manuals
 12:55:57PM **20** that you recall receiving from the Co-Op during
 12:56:00PM **21** your time there?
 12:56:00PM **22 A. No, I do not remember.**
 12:56:02PM **23 Q.** Number 13 in the policy talks
 12:56:14PM **24** about -- well, it says: It shall be the policy
 12:56:15PM **25** of the Co-Op to take part in any employee
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12:56:19PM **1** training programs deemed necessary by the

12:56:23PM **2** manager.

12:56:23PM **3** Did you receive any employee training during

12:56:27PM **4** your time at the Co-Op?

12:56:29PM **5** **A. Yes, sir.**

12:56:29PM **6** **Q.** What was the earliest employee

12:56:33PM **7** training that you can remember ever receiving?

12:56:35PM **8** **A. Learning how to operate the lawn**

12:56:37PM **9** **mower.**

12:56:37PM **10** **Q.** Lawn mower?

12:56:38PM **11** **A. Yes.**

12:56:44PM **12** **Q.** Just generally describe what that --

12:56:46PM **13** what that training process was.

12:56:47PM **14** **A. Learning how to start it and then**

12:56:51PM **15** **lower the blade, and the ditch on the south side**

12:56:56PM **16** **of the Co-Op property is pretty steep and how to**

12:56:59PM **17** **navigate the ditch.**

12:57:01PM **18** **Q.** You weren't ever driving the tractor

12:57:04PM **19** or the lawn mower on the roads?

12:57:06PM **20** **A. No, sir.**

12:57:07PM **21** **Q.** Okay. After learning how to operate

12:57:09PM **22** the lawn mower, what was the next piece of

12:57:11PM **23** training you recall receiving from the Co-Op?

12:57:14PM **24** **A. How to change oil.**

12:57:19PM **25** **Q.** And what type of vehicle? All of

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12:58:39PM **1** recall after that?

12:58:39PM **2** **A. I was trained on how to operate the**

12:58:42PM **3** **dry spreader.**

12:58:48PM **4** **Q.** The vehicle involved in the accident,

12:58:52PM **5** was that a dry spreader?

12:58:54PM **6** **A. Yes, sir.**

12:58:55PM **7** **Q.** Okay. Tell me about what type of

12:58:58PM **8** training -- how to operate a dry spreader was?

12:59:02PM **9** **A. I spent about a week riding along in**

12:59:05PM **10** **the field and to and from the fields, how to get**

12:59:08PM **11** **in position for loading out, things like that,**

12:59:14PM **12** **like an understudy, and then spend about a week**

12:59:19PM **13** **learning how to drive in the -- in the field,**

12:59:23PM **14** **like actually driving. And then when my license**

12:59:28PM **15** **was full and eligible, someone rode with me for,**

12:59:32PM **16** **I think, the first two days and then cut me**

12:59:39PM **17** **loose.**

12:59:39PM **18** **Q.** Okay. So the first week you were a

12:59:47PM **19** passenger and kind of observed everything?

12:59:50PM **20** **A. Yes, sir.**

12:59:51PM **21** **Q.** That included operation in the field

12:59:53PM **22** and getting to and from the field?

12:59:54PM **23** **A. Yes.**

12:59:55PM **24** **Q.** Does that -- did that also include

12:59:57PM **25** that driver operating it on public roads?

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12:57:18PM **1** them?

12:57:18PM **2** **A. Everything from a motorcycle all the**

12:57:21PM **3** **way up to a sprayer.**

12:57:22PM **4** **Q.** Okay. Okay. After learning about

12:57:31PM **5** oil changes, what was the bit of employee

12:57:34PM **6** training that you recall?

12:57:35PM **7** **A. How to fix tires.**

12:57:37PM **8** **Q.** Okay. What about after that?

12:57:39PM **9** **A. How to operate the liquid plant.**

12:57:44PM **10** **Q.** Describe to me what the liquid plant

12:57:47PM **11** is.

12:57:47PM **12** **A. The liquid plant would be bulk**

12:57:51PM **13** **product for, like, liquid applications. So water**

12:58:01PM **14** **emulsifier, 32 nitrogen -- 32 percent nitrogen**

12:58:10PM **15** **mix, other assorted fertilizer liquids and your**

12:58:14PM **16** **pesticides that came in bulk.**

12:58:18PM **17** **Q.** So what was your role with regard to

12:58:21PM **18** the liquid plant?

12:58:23PM **19** **A. My task was to hook and unhook hoses.**

12:58:29PM **20** **Q.** So that was part of the training was

12:58:31PM **21** kind of how to -- what it all meant and how to

12:58:34PM **22** hook up the hoses and those types of things?

12:58:36PM **23** **A. Yes, sir.**

12:58:36PM **24** **Q.** Okay. After liquid plant training,

12:58:38PM **25** what was the next sort of training that you

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12:59:59PM **1** **A. Yes, sir.**

12:59:59PM **2** **Q.** The next -- you spent one week actual

01:00:06PM **3** driving the machinery with kind of your --

01:00:10PM **4** **A. Now an observer.**

01:00:13PM **5** **Q.** Okay. So this was the same -- same

01:00:14PM **6** person from the first week?

01:00:15PM **7** **A. Yes, sir.**

01:00:16PM **8** **Q.** So then the second week you were

01:00:17PM **9** actually operating and they were observing you

01:00:19PM **10** and teaching you?

01:00:20PM **11** **A. Yes.**

01:00:21PM **12** **Q.** Did that involve operating on public

01:00:23PM **13** roads?

01:00:23PM **14** **A. Not in the second week.**

01:00:24PM **15** **Q.** Was that due to license restrictions?

01:00:27PM **16** **A. Yes.**

01:00:34PM **17** **Q.** After that second week, then you said

01:00:37PM **18** you spent two days where you were still driving,

01:00:40PM **19** but since you had your license, I assume you

01:00:45PM **20** could drive on public roads?

01:00:46PM **21** **A. Yes, sir.**

01:00:47PM **22** **Q.** And you had the same passenger

01:00:49PM **23** observing you?

01:00:50PM **24** **A. Yes, sir.**

01:00:51PM **25** **Q.** What percent -- what percentage of

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01:00:54PM **1** your time during that two days was spent on
 01:00:57PM **2** public roads versus in the field?
 01:00:58PM **3** **A. Kind of -- I believe maybe**
 01:01:10PM **4** **20 percent.**
 01:01:10PM **5** **Q.** Describe for me -- I mean, describe
 01:01:14PM **6** to me kind of the time in the field versus on the
 01:01:17PM **7** road.
 01:01:17PM **8** **A. It all depends on how -- like what**
 01:01:19PM **9** **fields you're supposed to be in that day. You**
 01:01:25PM **10** **could be, I guess, in Wisner in the morning and**
 01:01:28PM **11** **then in Stanton in the afternoon, and that's**
 01:01:32PM **12** **25 miles difference. So it just all depends on**
 01:01:40PM **13** **location of the fields.**
 01:01:41PM **14** **Q.** So some days you spent more time on
 01:01:44PM **15** the road than others?
 01:01:45PM **16** **A. Yes.**
 01:01:45PM **17** **Q.** During that two-day period, how much
 01:01:48PM **18** time, you know, minutes or hours, do you think
 01:01:49PM **19** you actually spent on the road during that
 01:01:52PM **20** two-day period?
 01:01:54PM **21** **A. Two or three hours.**
 01:02:00PM **22** **Q.** Do you recall physically where you
 01:02:03PM **23** were going? Was it that 25-mile stretch?
 01:02:06PM **24** **A. No.**
 01:02:06PM **25** **Q.** Do you recall where you were going?
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01:03:27PM **1** anything that you recall specifically?
 01:03:29PM **2** **A. No, I do not recall that**
 01:03:31PM **3** **specifically.**
 01:03:31PM **4** **Q.** So you don't recall any specific
 01:03:37PM **5** rules or guidelines that your trainer would have
 01:03:39PM **6** given you how to properly operate the dry
 01:03:42PM **7** spreader like the one involved in the accident on
 01:03:45PM **8** a public road?
 01:03:46PM **9** **A. Follow the traffic laws.**
 01:03:50PM **10** **Q.** Okay. I understand a lot of this
 01:03:53PM **11** kind of is just on the job as things come up, but
 01:03:56PM **12** to the extent you remember, anything specific he
 01:03:59PM **13** told you?
 01:03:59PM **14** **A. Not that I recall.**
 01:04:00PM **15** **Q.** Okay. Other than generally follow
 01:04:03PM **16** the traffic laws? Yes?
 01:04:06PM **17** **A. Oh, yes. My bad.**
 01:04:07PM **18** **Q.** No problem. After those two days of
 01:04:17PM **19** you being able to drive on the public roads with
 01:04:20PM **20** your trainer, you said they kind of cut you
 01:04:22PM **21** loose?
 01:04:22PM **22** **A. Yes.**
 01:04:23PM **23** **Q.** Meaning you were able to drive the
 01:04:27PM **24** dry spreader wherever you needed to go without
 01:04:31PM **25** someone supervising you in the cab?
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01:02:07PM **1** **A. No.**
 01:02:09PM **2** **Q.** So your best guess is two or three
 01:02:12PM **3** hours --
 01:02:12PM **4** **A. Yes.**
 01:02:13PM **5** **Q.** -- road time. Did you receive any
 01:02:22PM **6** written materials from your -- from your kind of
 01:02:26PM **7** trainer or the Co-Op regarding your training for
 01:02:27PM **8** the dry spreader?
 01:02:29PM **9** **A. I do not believe so.**
 01:02:30PM **10** **Q.** Who was the person that kind of
 01:02:32PM **11** trained you?
 01:02:33PM **12** **A. Ryan Krug, I believe.**
 01:02:36PM **13** **Q.** Do you know how to spell that last
 01:02:37PM **14** name?
 01:02:38PM **15** **A. I don't even know if that's his last**
 01:02:39PM **16** **name. Like, I know it starts K R U G and it**
 01:02:43PM **17** **might be Krugman, it might be -- I don't know.**
 01:02:45PM **18** **Q.** Ryan Krug something. Okay. Do you
 01:02:54PM **19** know how long he'd been with the Co-Op at that
 01:02:56PM **20** time?
 01:02:56PM **21** **A. I think a year.**
 01:02:57PM **22** **Q.** What do you -- I'll call him
 01:03:14PM **23** Mr. Krug, your trainer -- what do you recall him
 01:03:18PM **24** telling you about how to operate the dry spreader
 01:03:22PM **25** on the road? Did he give you any rules or
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01:04:34PM **1** **A. Yes, sir.**
 01:04:37PM **2** **Q.** What time frame -- when do you think
 01:04:41PM **3** you started this training?
 01:04:42PM **4** **A. End of May.**
 01:04:48PM **5** **Q.** Is when you started the training?
 01:04:50PM **6** **A. I believe so.**
 01:04:50PM **7** **Q.** Okay. So when -- do you recall when
 01:04:55PM **8** you finally got cut loose and you were able to
 01:04:58PM **9** drive on your own full time?
 01:04:59PM **10** **A. Early to mid June.**
 01:05:01PM **11** **Q.** Did you ever receive any follow-up
 01:05:12PM **12** training at all after you started driving on your
 01:05:15PM **13** own?
 01:05:15PM **14** **A. No, sir. Wait. Wait. Wait. I did**
 01:05:20PM **15** **receive some -- that was for, like, the liquid**
 01:05:25PM **16** **application process. That's slightly different.**
 01:05:29PM **17** **Q.** Was that sometime after the accident?
 01:05:30PM **18** **A. Yes.**
 01:05:31PM **19** **Q.** And not related to the vehicle in the
 01:05:34PM **20** accident?
 01:05:34PM **21** **A. No.**
 01:05:35PM **22** **Q.** Okay. You know more about that
 01:05:37PM **23** machinery than I do, so I want to make sure I
 01:05:41PM **24** understand what we're talking about.
 01:05:48PM **25** There wasn't any kind of a written exam --
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01:05:50PM **1 A. No.**

01:05:50PM **2 Q. -- administered by anyone?**

01:05:51PM **3 A. No, sir.**

01:05:52PM **4 Q. If you had questions about operating**

01:06:05PM **5 the machinery, did you have someone you could**

01:06:07PM **6 talk to about them?**

01:06:08PM **7 A. Yes.**

01:06:09PM **8 Q. Who would that have been?**

01:06:10PM **9 A. Dan Bruns.**

01:06:11PM **10 Q. Who was Dan Bruns?**

01:06:12PM **11 A. Dan Bruns is the most experienced**

01:06:15PM **12 applicator at the Pilger location.**

01:06:18PM **13 Q. Do you recall ever talking to him**

01:06:20PM **14 about any questions you had?**

01:06:21PM **15 A. No.**

01:06:23PM **16 Q. But if you did have questions, he**

01:06:26PM **17 would have been the guy you would have asked?**

01:06:27PM **18 A. Yes. And also Bryce Pick, who was**

01:06:30PM **19 the most experienced applicator in the Co-Op.**

01:06:44PM **20 Q. So before you started this training**

01:06:46PM **21 in the end of May, you were working on**

01:06:50PM **22 maintenance and mowing lawns and other types of**

01:06:53PM **23 activities?**

01:06:53PM **24 A. Yes.**

01:06:58PM **25 Q. Once you started spraying in May and**

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01:08:19PM **1 Q. So once you were actually**

01:08:22PM **2 applying, how would you describe what your**

01:08:24PM **3 actual job duties were?**

01:08:25PM **4 A. Applying.**

01:08:27PM **5 Q. Yes.**

01:08:28PM **6 A. That would be --**

01:08:29PM **7 Q. That would be the job duty.**

01:08:32PM **8 A. Operating and maintaining the**

01:08:34PM **9 applicator.**

01:08:38PM **10 Q. Did you have any performance reviews**

01:08:41PM **11 working for the Co-Op?**

01:08:42PM **12 A. I don't believe so.**

01:08:43PM **13 Q. Were you ever disciplined during your**

01:08:47PM **14 time with the Co-Op --**

01:08:48PM **15 A. No.**

01:08:48PM **16 Q. -- for anything? So describe**

01:08:54PM **17 generally what a normal working day would be for**

01:08:57PM **18 you once you were cut loose and you were**

01:09:00PM **19 operating the applicator.**

01:09:01PM **20 A. I would show up at 7 or 7:30, walk**

01:09:04PM **21 into the main office, figure out the fields I**

01:09:09PM **22 needed to go to that day, go start my machine,**

01:09:15PM **23 grease it up, load it up for the first load,**

01:09:19PM **24 drive to the field, apply it, wait for a tender**

01:09:23PM **25 truck driver or drive back to the Co-Op, get**

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01:07:03PM **1 June, what was your typical work schedule like**

01:07:07PM **2 hours wise?**

01:07:08PM **3 A. Can I correct you?**

01:07:13PM **4 Q. Yes. Absolutely.**

01:07:15PM **5 A. It wasn't spraying. It was -- the**

01:07:19PM **6 proper term in this would be applicating, because**

01:07:22PM **7 I'm not spraying. Like, spraying implies liquid.**

01:07:25PM **8 Q. Okay.**

01:07:27PM **9 A. Applicating implies either.**

01:07:30PM **10 Q. Okay.**

01:07:31PM **11 A. I was -- it was probably 40 to**

01:07:35PM **12 45 hours a week.**

01:07:36PM **13 Q. Actually applicating or operating the**

01:07:38PM **14 equipment, or would you consider that start of**

01:07:43PM **15 the day to the end of the day?**

01:07:44PM **16 A. Start of the day to the end of the**

01:07:46PM **17 day.**

01:07:47PM **18 Q. Five days a week? Seven days a week?**

01:07:49PM **19 A. Depended on weather.**

01:07:52PM **20 Q. Okay. So when the weather was good,**

01:07:56PM **21 you got in as much work as you could?**

01:07:58PM **22 A. Yes, sir.**

01:07:58PM **23 Q. What's the application season?**

01:08:01PM **24 A. About a month before the crops come**

01:08:04PM **25 up to mid July for the most part.**

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01:09:26PM **1 another load, and then just until my day was**

01:09:30PM **2 done.**

01:09:34PM **3 Q. Okay. You said you did your first**

01:09:38PM **4 load and then you would either wait for someone**

01:09:40PM **5 or go back to the Co-Op to get refilled?**

01:09:42PM **6 A. Yes, sir.**

01:09:42PM **7 Q. So you could go back to the Co-Op and**

01:09:44PM **8 get it refilled or there are people at the Co-Op**

01:09:47PM **9 that will bring you more product?**

01:09:49PM **10 A. Yes, sir.**

01:09:50PM **11 Q. How many loads would you typically go**

01:09:54PM **12 through in a day?**

01:09:55PM **13 A. Depended on rate and size of field.**

01:09:58PM **14 Q. So it would vary quite a bit?**

01:10:02PM **15 A. Yes.**

01:10:03PM **16 Q. When you first got there at 7:30, did**

01:10:05PM **17 someone physically give you a list of the fields**

01:10:08PM **18 or how did you get your assignments for that day?**

01:10:10PM **19 A. I was given a small pile of fields,**

01:10:17PM **20 rate and then a plat map showing, okay, this is**

01:10:22PM **21 the field you need to go to.**

01:10:24PM **22 Q. I take it from a plat map you could**

01:10:33PM **23 tell, okay, this is where I need to go and where**

01:10:35PM **24 I'm actually applying for this day?**

01:10:37PM **25 A. Yes, sir.**

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01:10:37PM **1** **Q.** How long did you -- did you actually
 01:10:48PM **2** work during the day? Until sundown or how long?
 01:10:52PM **3** **A.** **It all depended on the fields that**
 01:10:55PM **4** **needed to be done.**
 01:10:56PM **5** **Q.** Basically you got through your list
 01:10:58PM **6** whenever you got through it?
 01:10:58PM **7** **A.** **At sundown is shutdown, because at**
 01:11:02PM **8** **that point you don't know if you ran out of**
 01:11:06PM **9** **product in the back or not or if you have**
 01:11:08PM **10** **something plugged in there. So at sundown it's**
 01:11:12PM **11** **done for sure.**
 01:11:13PM **12** **Q.** So you couldn't go any longer than
 01:11:17PM **13** that?
 01:11:18PM **14** **A.** **Yes, sir.**
 01:11:18PM **15** **Q.** Okay. Did you always have the same
 01:11:20PM **16** route or did your route vary from day to day?
 01:11:24PM **17** **A.** **It varies from day to day.**
 01:11:26PM **18** **Q.** Did you -- did you have what you
 01:11:27PM **19** consider a typical route?
 01:11:29PM **20** **A.** **No, sir.**
 01:11:29PM **21** **Q.** So you didn't have any idea before
 01:11:31PM **22** you got there what your route would be for that
 01:11:33PM **23** day?
 01:11:33PM **24** **A.** **No, sir.**
 01:11:34PM **25** **Q.** You didn't have a general pattern
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01:12:44PM **1** day?
 01:12:44PM **2** **A.** **No, sir. The acre sheet was just a**
 01:12:48PM **3** **sheet by itself, and that covered until it was**
 01:12:51PM **4** **full, and then you got a stack of papers for**
 01:12:55PM **5** **fields that you actually completed.**
 01:12:57PM **6** **Q.** You had one piece of paper for each
 01:12:59PM **7** field individually and one global piece?
 01:13:02PM **8** **A.** **Yes, sir.**
 01:13:12PM **9** **Q.** Okay. Did you ever fill out any kind
 01:13:13PM **10** of hour logs or did you ever -- did you clock in
 01:13:17PM **11** when you got there?
 01:13:17PM **12** **A.** **Yes, sir.**
 01:13:18PM **13** **Q.** And did you clock out when you left?
 01:13:20PM **14** **A.** **Yes, sir. Can I get a bottle of**
 01:13:26PM **15** **water?**
 01:13:27PM **16** MR. BOYD: Absolutely. We'll take
 01:13:28PM **17** a short break.
 01:13:53PM **18** (A short recess was taken.)
 01:13:53PM **19** **Q.** Back on the record.
 01:13:58PM **20** Did you use any type of a computer system
 01:14:00PM **21** as part of your work for the Co-Op?
 01:14:01PM **22** **A.** **Yes, sir.**
 01:14:02PM **23** **Q.** What kind of system was that?
 01:14:04PM **24** **A.** **It was, I believe, a Raven GPS system**
 01:14:10PM **25** **and it had a mini map on it showing the swath of**
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01:11:35PM **1** that these days you would do this route and these
 01:11:37PM **2** days you would do that route?
 01:11:38PM **3** **A.** **No.**
 01:11:39PM **4** **Q.** Okay. Who decided what the route was
 01:11:42PM **5** going to be for you?
 01:11:43PM **6** **A.** **The head of the agronomy.**
 01:11:45PM **7** **Q.** And remind me of his name again.
 01:11:48PM **8** **A.** **Rich Brahmer.**
 01:11:50PM **9** **Q.** Did you fill out any kind of
 01:12:00PM **10** paperwork as a part of your daily routine?
 01:12:03PM **11** **A.** **I filled out the applicator sheet,**
 01:12:05PM **12** **which is -- I believe the Co-Op should have**
 01:12:08PM **13** **copies of that, and then an acres sheet showing,**
 01:12:11PM **14** **okay, I spread 90 acres in this field, just to**
 01:12:17PM **15** **keep track of for bonuses.**
 01:12:19PM **16** **Q.** So there were two pieces of paper you
 01:12:22PM **17** filled out each day?
 01:12:23PM **18** **A.** **Yes, each field.**
 01:12:25PM **19** **Q.** Each field. So every field you would
 01:12:27PM **20** fill out two different pieces of paper describing
 01:12:32PM **21** what you did for that field?
 01:12:33PM **22** **A.** **Yes, sir.**
 01:12:34PM **23** **Q.** Okay. At the end of your day you'd
 01:12:39PM **24** have a stack of paper for -- you know, with two
 01:12:41PM **25** pieces for each field that you applied on that
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01:14:17PM **1** **the applicated product.**
 01:14:22PM **2** **Q.** Does that GPS tell you where to go?
 01:14:26PM **3** Describe to me how you -- how you use that.
 01:14:29PM **4** **A.** **When you got to the field, you had to**
 01:14:32PM **5** **set it up for, like, your rate and pounds and**
 01:14:36PM **6** **what product you're using. And then you made an**
 01:14:43PM **7** **exterior pass to set your boundaries, so you kind**
 01:14:46PM **8** **of didn't overshoot anything or over apply or**
 01:14:50PM **9** **under apply anything, and it then just lit up**
 01:14:54PM **10** **green as you drove up and down the field.**
 01:14:57PM **11** **Q.** Did it physically guide the equipment
 01:15:00PM **12** or were you physically driving the equipment?
 01:15:04PM **13** **A.** **It had the ability to physically**
 01:15:08PM **14** **guide the equipment, but after crops come up, it**
 01:15:11PM **15** **is highly advised, unless you were the one that**
 01:15:13PM **16** **planted them with that GPS system, to use the**
 01:15:16PM **17** **steering wheel.**
 01:15:17PM **18** **Q.** Okay. Did it -- do you know, did it
 01:15:21PM **19** store your kind of GPS information in it?
 01:15:24PM **20** **A.** **I -- I believe it had the ability.**
 01:15:27PM **21** **Q.** But you didn't ever have any need to
 01:15:29PM **22** go back and look at the GPS data?
 01:15:32PM **23** **A.** **No.**
 01:15:33PM **24** **Q.** When you were driving from one field
 01:15:37PM **25** to the another, did the GPS operate during that
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01:15:40PM **1** time?

01:15:41PM **2** **A. Yes. It had, like, a road -- a very**

01:15:43PM **3** **undetailed road map.**

01:15:50PM **4** **Q.** Any other kind of computer system you

01:15:52PM **5** used?

01:15:53PM **6** **A. No, sir.**

01:15:53PM **7** **Q.** Okay.

01:15:55PM **8** **A. Well, my phone and a radio. Other**

01:15:59PM **9** **than that, no.**

01:16:00PM **10** **Q.** Okay. Is that your personal phone?

01:16:04PM **11** **A. Yes, sir.**

01:16:04PM **12** **Q.** Did you have an email address with

01:16:11PM **13** the Co-Op?

01:16:12PM **14** **A. No, sir.**

01:16:13PM **15** **Q.** Describe to me how you used your

01:16:16PM **16** phone as another radio. Was it kind of a

01:16:19PM **17** walkie-talkie type of a use or to call somebody?

01:16:22PM **18** **A. No. Like a Pandora, streaming radio.**

01:16:27PM **19** **And if I needed to call somebody, I had it on the**

01:16:33PM **20** **console.**

01:16:33PM **21** **Q.** So was your phone, like, actively

01:16:36PM **22** plugged in when you're driving?

01:16:37PM **23** **A. It was on a -- on a -- an auxiliary**

01:16:41PM **24** **cord to the radio.**

01:16:42PM **25** **Q.** And it was kind of just on all the

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01:17:43PM **1** were operating the RoGator?

01:17:45PM **2** **A. I don't believe so.**

01:17:50PM **3** **Q.** Okay. Let's talk about the date of

01:17:52PM **4** the accident at issue here, which my

01:17:54PM **5** understanding was June 26th, 2013; is that right?

01:17:56PM **6** **A. Yes, sir.**

01:17:57PM **7** **Q.** Okay. We'll get into specifics, but

01:18:05PM **8** generally it occurred on Highway 57 near what is

01:18:11PM **9** referred to as 857th Road in Wayne County,

01:18:15PM **10** Nebraska; is that right?

01:18:16PM **11** **A. I believe so.**

01:18:16PM **12** **Q.** Okay. You were working for Co-Op

01:18:20PM **13** that day?

01:18:21PM **14** **A. Yes, sir.**

01:18:21PM **15** **Q.** Let's start in the morning. What

01:18:25PM **16** time do you recall getting to work that day?

01:18:27PM **17** **A. I believe 7:30 -- seven to eight**

01:18:30PM **18** **o'clock, somewhere in that time range.**

01:18:32PM **19** **Q.** Just your standard time you'd get

01:18:34PM **20** there in the morning?

01:18:35PM **21** **A. Yes, sir.**

01:18:38PM **22** **Q.** Did you clock in that day, I assume?

01:18:40PM **23** **A. Yes, sir.**

01:18:41PM **24** **Q.** You would have received, we talked

01:18:43PM **25** about earlier, kind of a stack of different

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01:16:46PM **1** time with open channels?

01:16:47PM **2** **A. Yes.**

01:16:48PM **3** **Q.** And you could press a button and talk

01:16:50PM **4** into the radio or the phone?

01:16:51PM **5** **A. I could press a button and call**

01:16:54PM **6** **someone, not -- it wasn't like a two-way radio.**

01:16:57PM **7** **It was a streaming device that I could make phone**

01:17:01PM **8** **calls with.**

01:17:06PM **9** **Q.** Okay. And were members of the Co-Op

01:17:07PM **10** making announcements on there or what were you

01:17:10PM **11** listening?

01:17:10PM **12** **A. I was -- I was listening to Pandora.**

01:17:12PM **13** **Q.** Okay. So just music?

01:17:14PM **14** **A. Yes.**

01:17:15PM **15** **Q.** Okay. It wasn't really work related

01:17:17PM **16** as much as it was --

01:17:18PM **17** **A. A comfort thing.**

01:17:19PM **18** **Q.** Got it. Okay. I was thinking radio,

01:17:26PM **19** like communicating back and forth.

01:17:29PM **20** Okay. So you were using your cell phone as

01:17:31PM **21** just a music device and it was playing on some

01:17:34PM **22** speakers in the RoGator?

01:17:37PM **23** **A. Yes, sir.**

01:17:38PM **24** **Q.** Okay. Did you use your phone for any

01:17:41PM **25** other things other than making calls while you

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01:18:46PM **1** properties you were going to apply on that day?

01:18:48PM **2** **A. Yes, sir.**

01:18:49PM **3** **Q.** Did you always drive the same

01:18:57PM **4** applicator, same dry spreader?

01:18:59PM **5** **A. Yes, sir.**

01:19:00PM **6** **Q.** So from the time you were cut loose

01:19:07PM **7** to the time of the accident, you drove the same

01:19:09PM **8** spreader every day?

01:19:09PM **9** **A. Yes, sir.**

01:19:10PM **10** **Q.** Do you recall what your route was

01:19:16PM **11** that day, generally?

01:19:18PM **12** **A. I showed up in Pilger, they then sent**

01:19:23PM **13** **me to --**

01:19:23PM **14** **Q.** So Pilger, that's where you start

01:19:26PM **15** every day; is that right?

01:19:27PM **16** **A. Yes.**

01:19:27PM **17** **Q.** Okay.

01:19:28PM **18** **A. They then sent me to Winside to help**

01:19:31PM **19** **apply up there with my machine. So I drove my**

01:19:35PM **20** **machine up to Winside, received a stack of**

01:19:39PM **21** **papers, kind of -- they kind of showed me on the**

01:19:42PM **22** **map, on a big series of plat maps the general**

01:19:47PM **23** **route to take.**

01:19:51PM **24** **Q.** You didn't receive any papers from

01:19:53PM **25** Pilger, they sent you up to Winside?

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01:19:56PM **1 A. Yes.**
 01:19:56PM **2 Q.** You drove your RoGator from Pilger to
 01:19:59PM **3 Winside?**
 01:19:59PM **4 A. Yes, sir.**
 01:19:59PM **5 Q.** They handed you the papers and handed
 01:20:02PM **6 you a plat map, here's where you're going to work**
 01:20:06PM **7 for the day?**
 01:20:06PM **8 A. Yes, sir.**
 01:20:08PM **9 Q.** Okay. Was it after -- do you recall
 01:20:11PM **10 just generally what your route was that day?**
 01:20:14PM **11 A. I headed to the west and started**
 01:20:16PM **12 working my way north.**
 01:20:16PM **13 (Deposition Exhibit Numbers 4 and 5**
 01:21:09PM **14 were marked for identification.)**
 01:21:10PM **15 Q.** I'm handing you Exhibits No. 4 and 5.
 01:21:13PM **16 Do you recognize either of these documents?**
 01:21:20PM **17 A. I do not recognize 4. I recognize**
 01:21:24PM **18 the general layout of 5.**
 01:21:26PM **19 Q.** Okay. Do you -- is No. 4 -- is that
 01:21:31PM **20 your handwriting?**
 01:21:31PM **21 A. No, sir.**
 01:21:33PM **22 Q.** Okay. So you don't know who wrote
 01:21:36PM **23 No. 4?**
 01:21:36PM **24 A. No, sir.**
 01:21:37PM **25 Q.** Does this look like anything you
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01:23:13PM **1 going.**
 01:23:14PM **2 Q.** Okay. So you were heading towards
 01:23:16PM **3 the 420 -- looks like 425 to me, maybe, but were**
 01:23:22PM **4 you going towards the 425 A at the time of the**
 01:23:26PM **5 accident?**
 01:23:26PM **6 A. I believe so, either that one or the**
 01:23:28PM **7 next line down.**
 01:23:29PM **8 Q.** Okay. So you had -- you had
 01:23:31PM **9 completed -- your recollection you completed**
 01:23:34PM **10 applying the highlighted -- the three highlighted**
 01:23:38PM **11 fields?**
 01:23:38PM **12 A. I believe so.**
 01:23:39PM **13 Q.** And you were either -- maybe you had
 01:23:42PM **14 completed 425, but you were either heading to**
 01:23:46PM **15 425 A or you were heading towards 85 A?**
 01:23:49PM **16 A. Yes.**
 01:23:52PM **17 Q.** Describe to me where the -- is it
 01:23:56PM **18 Kevin 80 A, describe to me where that is, if you**
 01:24:00PM **19 can?**
 01:24:00PM **20 A. I --**
 01:24:02PM **21 Q.** You don't recall --
 01:24:04PM **22 A. No.**
 01:24:04PM **23 Q.** -- exactly where that is. Okay. So
 01:24:06PM **24 you don't have an independent recollection of**
 01:24:08PM **25 where that field is listed on here?**
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01:21:39PM **1** would have worked with, this kind of a -- this
 01:21:42PM **2** kind of a list?
 01:21:43PM **3 A. The list I would have gotten would**
 01:21:48PM **4 have been a stack of essentially Exhibit No. 5.**
 01:21:54PM **5 Q.** Okay. Do you recognize in -- and the
 01:21:59PM **6 highlighting is not mine, the highlighting is**
 01:22:01PM **7 from whoever gave it to me, the Co-Op, I believe.**
 01:22:05PM **8 Do you recognize the locations of those**
 01:22:08PM **9 highlighted areas?**
 01:22:11PM **10 A. I believe those were the fields I had**
 01:22:14PM **11 applied that morning or that day, I guess, in**
 01:22:18PM **12 general.**
 01:22:18PM **13 Q.** Okay. So is it possible that this is
 01:22:21PM **14 a list of the fields you were assigned to apply**
 01:22:26PM **15 on the date of the accident?**
 01:22:28PM **16 A. Yes, sir.**
 01:22:29PM **17 Q.** Okay. Does that appear to be what it
 01:22:32PM **18 is from your understanding?**
 01:22:32PM **19 A. I believe so.**
 01:22:33PM **20 Q.** Okay. So at what point -- if you can
 01:22:40PM **21 tell in this list, at what point did the accident**
 01:22:42PM **22 happen, between which fields?**
 01:22:45PM **23 A. My guess would be after, like, I**
 01:22:57PM **24 believe the 423 A 40-pound nutri -- NutriSphere**
 01:23:09PM **25 and then I believe that's when it -- where I was**
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01:24:10PM **1 A. No, sir.**
 01:24:11PM **2 Q.** Okay. Do you have any recollection
 01:24:13PM **3 of where 425 A is?**
 01:24:14PM **4 A. No, sir.**
 01:24:15PM **5 Q.** What about 85 A?
 01:24:17PM **6 A. One of those would be the field I was**
 01:24:22PM **7 going to.**
 01:24:22PM **8 Q.** And --
 01:24:23PM **9 A. I believe it's -- actually thinking**
 01:24:25PM **10 about it now, would be the 85 A.**
 01:24:28PM **11 Q.** Okay. You believe that you were
 01:24:30PM **12 heading towards 85 A at the time of the accident?**
 01:24:33PM **13 A. Yes.**
 01:24:39PM **14 Q.** Can you describe to me where 85 A is?
 01:24:41PM **15 A. I believe that it would be from,**
 01:24:46PM **16 like, the intersection where the accident**
 01:24:48PM **17 occurred, it would be, I believe, roughly half a**
 01:24:52PM **18 mile north on the east side of the highway.**
 01:24:59PM **19 Q.** I printed off some maps. Maybe it
 01:25:04PM **20 would be easier for you.**
 01:25:16PM **21 (Deposition Exhibit Number 6 was**
 01:25:17PM **22 marked for identification.)**
 01:25:17PM **23 Q.** Handing you Exhibit No. 6. I'll
 01:25:19PM **24 represent to you these are just -- these are**
 01:25:21PM **25 maps, aerial shots that I pulled myself. But**
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01:25:27PM **1** it's my understanding, as you go through the

01:25:29PM **2** pictures, you kind of zoom in where the accident

01:25:33PM **3** happened. Can you look through those and tell me

01:25:35PM **4** if that's correct?

01:25:42PM **5** **A. Yes, sir.**

01:25:42PM **6** **Q.** Okay. Do any of these photos in this

01:25:50PM **7** exhibit show the field that you believe you were

01:25:53PM **8** heading towards?

01:25:54PM **9** **A. I believe it would be this**

01:25:59PM **10** **southwestern section -- southwestern quarter.**

01:26:04PM **11** **Q.** You want to -- do you have any

01:26:07PM **12** problem with him marking on the exhibit?

01:26:10PM **13** Do you want to -- if I hand you a pen, would

01:26:13PM **14** you outline the field you were heading towards at

01:26:15PM **15** the time of the accident?

01:26:15PM **16** **A. (Witness complies.)**

01:26:27PM **17** **Q.** I'm just going to take this and just

01:26:28PM **18** look at it for myself.

01:26:35PM **19** Okay. So the field you've outlined you

01:26:43PM **20** believe was a field you were heading towards when

01:26:45PM **21** the accident occurred?

01:26:46PM **22** **A. Yes, sir.**

01:26:47PM **23** **Q.** Okay. Do you recall which field you

01:26:49PM **24** were coming from?

01:26:56PM **25** **A. I believe it's somewhere southwest**
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01:28:30PM **1** I just don't want to make -- I don't want to make

01:28:33PM **2** this difficult for our reporter, so just wait

01:28:34PM **3** until Mr. Boyd finishes.

01:28:35PM **4** **Q.** So was it your intent to go to that

01:28:38PM **5** designated spot and wait for them to meet you

01:28:41PM **6** there to load you up?

01:28:42PM **7** **A. Yes, sir.**

01:28:42PM **8** **Q.** So if we -- we'll just mark on there

01:28:51PM **9** again. Can you mark where -- what specific spot

01:28:54PM **10** you were planning on parking in to wait for them?

01:28:54PM **11** **A. (Witness complies.)**

01:28:57PM **12** **Q.** So the rectangle where you've -- you

01:29:10PM **13** printed on the last page of Exhibit 6 is the

01:29:12PM **14** location you were planning on parking and

01:29:14PM **15** waiting --

01:29:15PM **16** **A. Yes, sir.**

01:29:15PM **17** **Q.** -- in order to get loaded up with

01:29:17PM **18** fertilizer?

01:29:18PM **19** **A. Yes, sir.**

01:29:33PM **20** **Q.** Okay. That's helpful to understand

01:29:36PM **21** just the -- the names on Exhibit 4 don't do a lot

01:29:40PM **22** for me, so that helps me understand exactly what

01:29:42PM **23** we're talking about here.

01:29:56PM **24** You were driving that alone, there was

01:30:00PM **25** nobody with you at the time of the accident?
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01:27:01PM **1** **off the map.**

01:27:02PM **2** **Q.** Okay. So describe the route you were

01:27:06PM **3** taking from the prior location to get to the

01:27:09PM **4** field that you had -- you had outlined.

01:27:11PM **5** **A. I had traveled north on a country**

01:27:15PM **6** **road until I got to Highway 98, and at the 57**

01:27:22PM **7** **intersection I headed north and the accident**

01:27:28PM **8** **occurred a mile north of the intersection.**

01:27:51PM **9** **Q.** Where were you -- what physical

01:27:54PM **10** location were you traveling towards at the time

01:27:56PM **11** of the accident? What was your -- where were you

01:27:57PM **12** going?

01:27:58PM **13** **A. I was heading to the minimum**

01:28:00PM **14** **maintenance road in the intersection to the west,**

01:28:04PM **15** **as that was the best location to load for the**

01:28:07PM **16** **field.**

01:28:08PM **17** **Q.** Okay. So your first step in order to

01:28:11PM **18** apply on that field was to get loaded up with

01:28:14PM **19** product?

01:28:14PM **20** **A. Yes.**

01:28:22PM **21** **Q.** Were there already people waiting for

01:28:25PM **22** you?

01:28:25PM **23** **A. No, sir.**

01:28:26PM **24** **Q.** To --

01:28:28PM **25** **MR. GOYETTE: Excuse me. I'm sorry.**
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01:30:01PM **1** **A. Yes, sir.**

01:30:02PM **2** **Q.** So the accident happened around 3:37

01:30:16PM **3** in the afternoon?

01:30:17PM **4** **A. Yes.**

01:30:17PM **5** **Q.** Does that sound right?

01:30:18PM **6** **A. That sounds correct.**

01:30:19PM **7** **Q.** Did you stop and have lunch anyplace

01:30:22PM **8** earlier in the day?

01:30:23PM **9** **A. Probably around noon.**

01:30:25PM **10** **Q.** You just bring your lunch with you?

01:30:27PM **11** **A. Yes.**

01:30:31PM **12** **Q.** How long, approximately, would it

01:30:33PM **13** have taken you to go from the field you were

01:30:36PM **14** applying to the field you were trying to get to?

01:30:41PM **15** How long were you actually driving the equipment?

01:30:44PM **16** **A. 20 minutes, I believe.**

01:30:50PM **17** **Q.** What kind of speed does the RoGator

01:30:54PM **18** travel on the road?

01:30:54PM **19** **A. 24 miles an hour.**

01:30:56PM **20** **Q.** Is that the maximum?

01:30:58PM **21** **A. Yes, sir.**

01:30:58PM **22** **Q.** Would you -- is 24 typically what you

01:31:06PM **23** would set it at as you drive down the road?

01:31:09PM **24** **A. Yes.**

01:31:09PM **25** **Q.** Is there a cruise control or do you
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01:31:11PM **1** just accelerate and it stops you at 24?

01:31:11PM **2** **A. The throttle is all the way forward**

01:31:14PM **3** **at 24 miles an hour.**

01:31:23PM **4** **Q.** Okay. What was the weather like on

01:31:24PM **5** that -- on the day of the accident?

01:31:25PM **6** **A. It was sunny and hot.**

01:31:27PM **7** **Q.** Are you familiar with the general

01:31:37PM **8** location of the accident? Had you driven around

01:31:40PM **9** that area before?

01:31:41PM **10** **A. No, sir.**

01:31:41PM **11** **Q.** Was that the first time you had

01:31:43PM **12** driven that route?

01:31:43PM **13** **A. Yes, sir.**

01:31:44PM **14** **Q.** Do you recall if that area was flat

01:32:00PM **15** or hilly or anything like that?

01:32:02PM **16** **A. There was a hill to the south of me**

01:32:05PM **17** **probably 200 yards at the most.**

01:32:08PM **18** **Q.** Would that hill have blocked your

01:32:23PM **19** vision at all if you were looking behind you?

01:32:25PM **20** **A. Yes, sir.**

01:32:27PM **21** **Q.** Do you recall that hill blocking your

01:32:30PM **22** vision at any point?

01:32:31PM **23** **A. I recall checking my mirrors, but I**

01:32:35PM **24** **did not see any vehicles behind me.**

01:32:38PM **25** **Q.** So you're driving your RoGator north
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01:33:43PM **1** **Q.** So in narrow stance were you able to

01:33:46PM **2** fit within just the normal lane of traffic on

01:33:51PM **3** Highway 57?

01:33:51PM **4** **A. Yes, sir.**

01:33:52PM **5** **Q.** So do you recall -- is it your

01:34:03PM **6** recollection that you were only driving in the

01:34:05PM **7** main lane of traffic when you were on Highway

01:34:08PM **8** 57 --

01:34:08PM **9** **A. Yes, sir.**

01:34:08PM **10** **Q.** -- leading up to the area of the

01:34:11PM **11** accident?

01:34:11PM **12** **A. Yes, sir.**

01:34:12PM **13** **Q.** And you believe leading up to the

01:34:24PM **14** accident you had been going about 24 miles an

01:34:29PM **15** hour?

01:34:29PM **16** **A. Yes, sir.**

01:34:31PM **17** **Q.** Do you recall what gear you would

01:34:32PM **18** have been in? Are there different gears on the

01:34:35PM **19** RoGator?

01:34:35PM **20** **A. Fourth.**

01:34:36PM **21** **Q.** Is that kind of the maximum?

01:34:38PM **22** **A. Yes, I believe. It's been awhile**

01:34:44PM **23** **since I operated it.**

01:34:45PM **24** **Q.** But it would have been kind of what

01:34:47PM **25** the top speed was?
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01:32:44PM **1** on Highway 57?

01:32:46PM **2** **A. Yes, sir.**

01:32:46PM **3** **Q.** Right. And your goal is to go to the

01:32:51PM **4** rectangle box that you had marked on the -- on

01:32:52PM **5** the map?

01:32:52PM **6** **A. Yes, sir.**

01:32:53PM **7** **Q.** When you're driving on Highway 57

01:32:57PM **8** before you get close to where you're going,

01:33:00PM **9** where -- where in the roadway are you driving the

01:33:02PM **10** RoGator? Are you driving in the middle? Were

01:33:04PM **11** you driving on the shoulder? Were you driving --

01:33:06PM **12** does it vary?

01:33:07PM **13** **A. It kind of depends on how big the**

01:33:11PM **14** **roadway is. The -- the spreader had the ability**

01:33:15PM **15** **to thin out its wheelbase, so when you travel on**

01:33:22PM **16** **the highway, you thinned it out to where you can**

01:33:25PM **17** **fit in a lane, and if you met a big vehicle, you**

01:33:28PM **18** **kind of slide off to the shoulder a little bit.**

01:33:30PM **19** **Q.** If there was a big -- a vehicle

01:33:32PM **20** coming towards you?

01:33:33PM **21** **A. Yes, sir.**

01:33:33PM **22** **Q.** So you were in what I call a narrow

01:33:38PM **23** stance at the time you were driving the vehicle

01:33:40PM **24** on that day?

01:33:41PM **25** **A. Yes, sir.**
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01:34:48PM **1** **A. The road gear, yes.**

01:34:50PM **2** **Q.** Okay. So as you approach the area

01:34:56PM **3** where Highway 57 and you call a minimum --

01:35:03PM **4** **A. Minimum maintenance road.**

01:35:05PM **5** **Q.** Minimum maintenance road. So at the

01:35:11PM **6** area where Highway 57 and the minimum maintenance

01:35:15PM **7** road come together, how did you operate the

01:35:17PM **8** machine? Tell me what happened.

01:35:18PM **9** **A. I signaled my intent to turn, checked**

01:35:22PM **10** **my mirror, checked in front of me, started to**

01:35:25PM **11** **turn.**

01:35:26PM **12** **Q.** So which mirror are you talking about

01:35:30PM **13** that you say --

01:35:30PM **14** **A. There -- there's a mirror that sets**

01:35:34PM **15** **probably three feet out at the cab so you can**

01:35:37PM **16** **actually see past the dry box.**

01:35:40PM **17** **Q.** Kind of see to your left?

01:35:42PM **18** **A. Yes, sir.**

01:35:42PM **19** **Q.** So you checked the mirror, kind of

01:35:46PM **20** the side view mirror that is a bit off the

01:35:49PM **21** vehicle. Any other mirrors that you checked?

01:35:52PM **22** **A. No, sir.**

01:35:52PM **23** **Q.** Are there other mirrors --

01:35:54PM **24** **A. Yes, sir.**

01:35:54PM **25** **Q.** -- available?
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01:35:56PM **1 A. Except they are under the vehicle, so**
 01:36:01PM **2 as you're driving through the field you can see**
 01:36:03PM **3 if you're hitting the crop.**
 01:36:05PM **4 Q. Is there -- is there any other**
 01:36:07PM **5 mirrors that would allow you to look behind you?**
 01:36:09PM **6 A. I believe there's one on the right**
 01:36:11PM **7 side also.**
 01:36:11PM **8 Q. You don't specifically recall looking**
 01:36:14PM **9 at the right side mirror at that time?**
 01:36:16PM **10 A. No, sir.**
 01:36:32PM **11 Q. Tell me about the kind of turns these**
 01:36:39PM **12 RoGators make. I mean, is it a tight turn? Is**
 01:36:42PM **13 it a wide turn? How would you describe the**
 01:36:45PM **14 turning radius?**
 01:36:46PM **15 A. I would describe it as kind of**
 01:36:52PM **16 medium.**
 01:36:53PM **17 Q. Do you know, like, feet-wise what a**
 01:36:56PM **18 turning radius on one of those would be?**
 01:36:58PM **19 A. No, sir.**
 01:36:59PM **20 Q. It's certainly larger than if you**
 01:37:02PM **21 were driving a personal vehicle?**
 01:37:03PM **22 A. Yes, but not by much.**
 01:37:13PM **23 Q. Do you have to do anything in order**
 01:37:15PM **24 to make a turn in one of these vehicles? I mean,**
 01:37:20PM **25 do you have to make a wider turn or can you just**
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01:38:55PM **1 Q. -- Highway 57. So, your intent was**
 01:38:59PM **2 to face the RoGator towards Highway 57 once you**
 01:39:02PM **3 were parked?**
 01:39:02PM **4 A. Yes, sir.**
 01:39:16PM **5 Q. Okay. So I'm just looking at this,**
 01:39:20PM **6 it seems like I would call that kind of a**
 01:39:23PM **7 three-quarter turn if you were able to complete**
 01:39:26PM **8 it. Would you agree with that? I mean, your --**
 01:39:29PM **9 it's not a 90-degree turn, it's not a 180-degree**
 01:39:32PM **10 turn. It's kind of a three-quarter turn; is that**
 01:39:36PM **11 right?**
 01:39:36PM **12 A. I would say as you're reading it,**
 01:39:38PM **13 yes, but my intent was to go to a field entrance**
 01:39:41PM **14 and then proceed to do a three-quarter turn and**
 01:39:45PM **15 come back.**
 01:39:45PM **16 Q. Okay. So your intent was to turn**
 01:39:49PM **17 onto the minimum maintenance road and then go**
 01:39:51PM **18 down the minimum maintenance road for how far?**
 01:39:53PM **19 A. I believe there's a field entrance**
 01:39:58PM **20 probably another quarter mile at the most --**
 01:40:02PM **21 Q. Okay.**
 01:40:03PM **22 A. -- west, turn in there, back out and**
 01:40:06PM **23 head east.**
 01:40:07PM **24 Q. Okay. And there was no one -- there**
 01:40:10PM **25 were no other vehicles in that area making a**
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01:37:23PM **1 make it just turning left or turning right just**
 01:37:26PM **2 like you would in any other vehicle?**
 01:37:28PM **3 A. It all depends on speed and, I guess,**
 01:37:32PM **4 the surface you're driving on.**
 01:37:34PM **5 Q. So on this day as you were going 24**
 01:37:39PM **6 on this road, describe to me how you performed**
 01:37:43PM **7 the turn on this road.**
 01:37:45PM **8 A. I slowed down, at most eight miles an**
 01:37:52PM **9 hour, probably lower than that. I signaled my**
 01:37:56PM **10 intent to turn and started the turn.**
 01:37:58PM **11 Q. When you start to turn, if you're**
 01:38:07PM **12 going straight, do you immediately start turning**
 01:38:10PM **13 left or do you make it -- kind of a wide turn and**
 01:38:13PM **14 kind of start to the right and make a wide turn?**
 01:38:18PM **15 A. You would immediately start to turn**
 01:38:24PM **16 to the left.**
 01:38:33PM **17 Q. Looking at the rectangle you have**
 01:38:38PM **18 drawn on the exhibit, how were you planning on**
 01:38:42PM **19 parking your RoGator? What direction were you**
 01:38:44PM **20 going to be facing when you were done?**
 01:38:45PM **21 A. I was going to be facing back towards**
 01:38:47PM **22 the highway.**
 01:38:49PM **23 Q. Okay. So you were going -- your**
 01:38:52PM **24 intent was to face the RoGator towards --**
 01:38:54PM **25 A. Back --**
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01:40:13PM **1 turn? There were no parked vehicles?**
 01:40:15PM **2 A. No, sir.**
 01:40:16PM **3 Q. Okay.**
 01:40:17PM **4 A. I don't believe so.**
 01:40:23PM **5 Q. You don't recall any?**
 01:40:25PM **6 A. No.**
 01:40:25PM **7 Q. How many times do you recall checking**
 01:40:38PM **8 your mirror before you made the turn?**
 01:40:40PM **9 A. Twice.**
 01:40:43PM **10 Q. So would your first step have been to**
 01:40:47PM **11 slow down to eight miles an hour or less? What's**
 01:40:51PM **12 the very first thing you do to get ready for the**
 01:40:54PM **13 turn?**
 01:40:55PM **14 A. Just signal as I'm slowing down,**
 01:40:58PM **15 quick glance forward and then double-check and**
 01:41:01PM **16 start the turn.**
 01:41:02PM **17 Q. So would you -- I mean, eight miles**
 01:41:10PM **18 an hour would be what you estimate the turn, was**
 01:41:12PM **19 that your turning speed or less than eight miles**
 01:41:15PM **20 an hour?**
 01:41:15PM **21 A. Less.**
 01:41:16PM **22 Q. Do you have a -- what miles per hour**
 01:41:18PM **23 would you estimate the actual turn would be at?**
 01:41:21PM **24 A. Four or five.**
 01:41:38PM **25 Q. Looking at the last page of that**
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01:41:40PM **1** exhibit, the closest one, would you have started

01:41:44PM **2** slowing down at the -- at the area depicted on

01:41:48PM **3** the map or would you have started slowing down

01:41:50PM **4** earlier than what's depicted on that last page?

01:41:53PM **5** **A. I would have started slowing down**

01:41:55PM **6** **probably one, two, three -- the third power line**

01:42:01PM **7** **from the intersection to the south.**

01:42:04PM **8** **Q.** Okay. Go ahead and mark an X on the

01:42:10PM **9** power line you're talking about.

01:42:10PM **10** **A. (Witness complies.)**

01:42:11PM **11** **Q.** So that's how long you would have

01:42:13PM **12** started -- you would have slowed from

01:42:13PM **13** approximately 24 miles an hour to approximately

01:42:15PM **14** 8 miles an hour?

01:42:16PM **15** **A. Yes, sir.**

01:42:29PM **16** **Q.** Okay. So at what point would you

01:42:32PM **17** have physically started making the turn? Can you

01:42:37PM **18** describe that on the map?

01:42:39PM **19** **A. I would guess around the seven on the**

01:42:44PM **20** **map for 557th Avenue.**

01:42:48PM **21** **Q.** When you say you guess, what -- do

01:42:52PM **22** you specifically recall turning at that point or

01:42:54PM **23** that's just what you assume you would have turned

01:42:56PM **24** at?

01:42:56PM **25** **A. That's where I assumed I would have**
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01:44:25PM **1** wanted to end up?

01:44:27PM **2** **A. Yes, sir. Looking at the picture,**

01:44:31PM **3** **there is very clear evidence of the turn radius**

01:44:35PM **4** **in the field to the southwest.**

01:44:42PM **5** **Q.** Okay. So kind of bottom left corner

01:44:45PM **6** you can see some kind of turn radiuses in the

01:44:48PM **7** field?

01:44:48PM **8** **A. Yes, sir.**

01:44:49PM **9** **Q.** Do you believe those are made with

01:44:50PM **10** the same equipment or type of equipment that you

01:44:52PM **11** were driving that day?

01:44:52PM **12** **A. I would guess they were.**

01:44:55PM **13** **Q.** You would estimate that as kind of

01:44:57PM **14** what you think the turning radius would be?

01:45:00PM **15** **A. Yes.**

01:45:00PM **16** **Q.** Now, there's two -- there's kind of a

01:45:01PM **17** whole circle and there's a half circle. Does it

01:45:06PM **18** still make a difference which one you're looking

01:45:08PM **19** at?

01:45:08PM **20** **A. Not really. They appear to be**

01:45:12PM **21** **roughly the same.**

01:45:15PM **22** **Q.** Okay. Do you know if that's --

01:45:17PM **23** that's a field that Co-Op services?

01:45:20PM **24** **A. No.**

01:45:21PM **25** **Q.** I had asked you if you thought maybe
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01:43:00PM **1** **turned at. I don't recall specifically.**

01:43:02PM **2** **Q.** Do you recall any part of your

01:43:13PM **3** vehicle going over into the right shoulder as you

01:43:16PM **4** started the turn?

01:43:18PM **5** **A. Possibly.**

01:43:20PM **6** **Q.** And why do you say possibly?

01:43:22PM **7** **A. Because I never had been in the area**

01:43:25PM **8** **and I wasn't sure for the exact location for a**

01:43:28PM **9** **load out. I -- I scanned ahead and saw it was**

01:43:32PM **10** **going to be difficult, if not impossible, to load**

01:43:36PM **11** **out at the field entrance.**

01:43:39PM **12** **Q.** So you were still deciding exactly

01:43:44PM **13** where you were wanting to go as you were

01:43:48PM **14** approaching that area?

01:43:48PM **15** **A. Yes, sir.**

01:43:49PM **16** **Q.** Do you think -- as you were

01:43:53PM **17** approaching the minimum maintenance road, were

01:43:56PM **18** you looking around and trying to figure out the

01:43:58PM **19** best spot to stop at?

01:44:00PM **20** **A. Yes, sir.**

01:44:01PM **21** **Q.** Do you think -- I understand you

01:44:15PM **22** hadn't been there before and were trying to

01:44:16PM **23** figure out where you were going. Do you think

01:44:18PM **24** that may have slowed the -- slowed the turn while

01:44:23PM **25** you were trying to figure out exactly where you
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01:45:42PM **1** part of your vehicle might have gone on the right

01:45:44PM **2** shoulder, and you said possibly because you were

01:45:46PM **3** still trying to figure out exactly where you

01:45:48PM **4** wanted to go. Did you -- did you start to make a

01:45:51PM **5** turn towards the field, towards the right, and

01:45:55PM **6** then you decided to go to the left?

01:45:57PM **7** **A. I may have kind of been half on the**

01:46:01PM **8** **highway, half off the highway, stopped for a**

01:46:06PM **9** **brief amount of time and then decided to turn**

01:46:11PM **10** **onto the minimum maintenance.**

01:46:13PM **11** **Q.** Okay. So as you're thinking

01:46:16PM **12** about it, you think you were probably going north

01:46:19PM **13** on Highway 57, you sort of veered to the right,

01:46:24PM **14** you were probably half on the shoulder, half on

01:46:27PM **15** the road as you were kind of looking around where

01:46:29PM **16** to go?

01:46:30PM **17** **A. Yes, sir.**

01:46:30PM **18** **Q.** So you think you were fully stopped?

01:46:32PM **19** **A. Yes, sir. Fully stopped or less than**

01:46:34PM **20** **three miles an hour.**

01:46:35PM **21** **Q.** Okay. And then you were either

01:46:39PM **22** stopped or were going three miles an hour and

01:46:41PM **23** then you decided you didn't want to go right, you

01:46:44PM **24** actually wanted to go to the rectangle you have

01:46:47PM **25** drawn?
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01:46:47PM **1 A. I never had any intention to go to**

01:46:49PM **2 the right. I was just trying to figure out do I**

01:46:51PM **3 go to the next intersection and wait there or use**

01:46:56PM **4 the minimum maintenance.**

01:46:57PM **5 Q. Okay. So you were kind of stopped**

01:47:00PM **6 half on the road, half on the shoulder, deciding**

01:47:03PM **7 do I turn left right here or do I turn left at**

01:47:06PM **8 the next option?**

01:47:07PM **9 A. Yes, sir.**

01:47:08PM **10 Q. Okay. How long -- how many seconds**

01:47:11PM **11 do you think you were stopped or going two miles**

01:47:13PM **12 an hour as you were evaluating that?**

01:47:15PM **13 A. No more than 15.**

01:47:17PM **14 Q. 15 seconds?**

01:47:18PM **15 A. Yes, sir.**

01:47:19PM **16 Q. If you were sitting there for 15 --**

01:47:30PM **17 you know, we'll say 15 seconds, maybe a little**

01:47:35PM **18 less or whatever it was, at what point did you**

01:47:38PM **19 then -- had you already looked in your mirrors or**

01:47:43PM **20 did you then decide I'm going to turn left**

01:47:46PM **21 here and now I'm going to look in my mirror?**

01:47:48PM **22 A. I then decided I'm going to turn**

01:47:50PM **23 left, check my mirrors, check in front of me,**

01:47:52PM **24 check my mirrors, okay, and started to turn.**

01:47:54PM **25 Q. Okay. So the -- you put an X kind of**
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01:49:27PM **1 through -- you're stopped, looking around. You**

01:49:31PM **2 decide, okay, I'm going to pull over here, you**

01:49:34PM **3 start to make the turn. Lead me through up until**

01:49:37PM **4 the accident.**

01:49:38PM **5 A. I was probably 30 to 40 percent**

01:49:42PM **6 through the turn, maybe more, I hear an air horn.**

01:49:51PM **7 I look over my left shoulder, I see a maroon**

01:49:57PM **8 blur. I realize what's going to happen. I**

01:50:01PM **9 pulled back on the throttle as hard as I could**

01:50:04PM **10 and just kind of braced and prayed.**

01:50:09PM **11 Q. When is the first time you recall**

01:50:13PM **12 seeing the maroon blur? You were already**

01:50:16PM **13 40 percent or so through the turn when you first**

01:50:18PM **14 saw the truck?**

01:50:19PM **15 A. Yes, sir.**

01:50:19PM **16 Q. You said air horn. You think that**

01:50:24PM **17 was, like, the driver was honking at you?**

01:50:30PM **18 A. Yes.**

01:50:30PM **19 Q. Did your vehicle stop prior to the**

01:50:32PM **20 impact? Are you able to stop when you pulled**

01:50:35PM **21 back on the throttle?**

01:50:36PM **22 A. I don't believe it had fully stopped**

01:50:38PM **23 when the collision happened.**

01:50:39PM **24 Q. It had slowed from four to five miles**

01:50:42PM **25 an hour you were driving before?**
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01:47:58PM **1 where you started to slow down?**

01:48:00PM **2 A. Yes, sir.**

01:48:00PM **3 Q. From the time you slowed down at the**

01:48:02PM **4 X, where on the map there do you think you were**

01:48:07PM **5 stopped?**

01:48:09PM **6 A. I would guess the A on the South 57th**

01:48:12PM **7 (sic) Avenue.**

01:48:16PM **8 Q. Kind of -- would you say it was**

01:48:19PM **9 50/50, half on the road, half on the shoulder, or**

01:48:22PM **10 how would you describe exactly where your RoGator**

01:48:26PM **11 was?**

01:48:26PM **12 A. I would say probably 75 percent on**

01:48:29PM **13 the road, 25 percent off the road.**

01:48:39PM **14 Q. And it was from that position that**

01:48:41PM **15 you then made the turn?**

01:48:44PM **16 A. Yes.**

01:49:05PM **17 Q. Do you think you made -- you were at**

01:49:07PM **18 a constant speed during the turn, you didn't slow**

01:49:11PM **19 your -- speed up or slow down?**

01:49:12PM **20 A. During the turn, yes. Right before**

01:49:17PM **21 the collision, I pulled back on the hand throttle**

01:49:21PM **22 as hard as I could.**

01:49:23PM **23 Q. To try to stop?**

01:49:24PM **24 A. Yes.**

01:49:25PM **25 Q. Okay. So just lead me -- lead me**
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01:50:43PM **1 A. Yes.**

01:50:45PM **2 MR. GOYETTE: Well, I'm sorry, I**

01:50:46PM **3 thought you said 45. You said four to five.**

01:50:49PM **4 MR. BOYD: Yes, four to five.**

01:50:50PM **5 Q. So we're talking just -- I mean, it**

01:50:52PM **6 was pretty slow?**

01:50:54PM **7 A. Yes.**

01:51:00PM **8 Q. So you slowed your vehicle. Describe**

01:51:03PM **9 the impact for me. Do you remember the impact?**

01:51:07PM **10 A. I remember being thrown around in the**

01:51:10PM **11 cab, hitting my head on one of the support posts,**

01:51:14PM **12 and it was all over pretty quick.**

01:51:18PM **13 Q. Did it -- describe how the -- did the**

01:51:22PM **14 RoGator move as a result of the impact?**

01:51:24PM **15 A. It -- I was facing north at the end**

01:51:26PM **16 of the impact.**

01:51:30PM **17 Q. So kind of a 90-degree turn? It**

01:51:32PM **18 moved -- it moved the vehicle about 90 degrees?**

01:51:34PM **19 A. Yes.**

01:51:34PM **20 Q. Okay. It's my understanding that the**

01:51:41PM **21 truck that was coming north on Highway 57 ended**

01:51:46PM **22 up going into kind of the trees past the minimum**

01:51:50PM **23 maintenance road; is that right?**

01:51:51PM **24 A. Yes, sir.**

01:51:52PM **25 Q. Describe to me what happened after**
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01:51:54PM **1** the impact, after you were thrown around. What

01:51:56PM **2** happened next?

01:51:57PM **3** **A. I got out of the RoGator, I guess I**

01:52:01PM **4** **was then walking down to check and see if they**

01:52:04PM **5** **were okay. I then heard screaming from the**

01:52:08PM **6** **inside of the cab, so I picked up my pace**

01:52:12PM **7** **considerably. By the time I got down there, the**

01:52:15PM **8** **driver's side of the cab was essentially a wall**

01:52:17PM **9** **of flame. So I went to the passenger side of the**

01:52:21PM **10** **cab. That door, I believe, was pinned against a**

01:52:26PM **11** **tree, so wasn't able to open. I assisted the**

01:52:30PM **12** **young man out of the vehicle and then proceeded**

01:52:33PM **13** **to pull the defendant out -- or whatever out of**

01:52:38PM **14** **the vehicle.**

01:52:39PM **15** **Q. I mean, how did -- if one side is**

01:52:43PM **16** **pinned to a wall of fire, how did you -- what**

01:52:46PM **17** **route did you get them out of the vehicle?**

01:52:47PM **18** **A. The window. The passenger door**

01:52:50PM **19** **window.**

01:52:50PM **20** **Q. Okay. Was he unconscious at the**

01:52:52PM **21** **time --**

01:52:52PM **22** **A. Yes.**

01:52:55PM **23** **Q. -- your understanding?**

01:52:55PM **24** **A. He -- he was unconscious at the time**

01:52:57PM **25** **of me climbing into the cab to pull him out, and**

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01:54:06PM **1** **so I was on the phone with Aaron and Bill.**

01:54:11PM **2** **Q. So Larry was -- he was driving the**

01:54:13PM **3** **truck that was going to -- was supposed to fill**

01:54:17PM **4** **up your vehicle with -- with a product?**

01:54:19PM **5** **A. Yes, sir.**

01:54:20PM **6** **Q. Okay. So the nurse was helping**

01:54:25PM **7** **Mr. Gibson, the son was there, you were helping.**

01:54:28PM **8** **Then once Larry arrived, you went over and told**

01:54:31PM **9** **him what happened --**

01:54:32PM **10** **A. Yes, sir.**

01:54:32PM **11** **Q. -- and went from there. Okay. How**

01:54:34PM **12** **long before any first responders arrived?**

01:54:37PM **13** **A. Ten minutes, maybe.**

01:54:40PM **14** **Q. What did you do during that ten**

01:54:42PM **15** **minutes? Talk to the --**

01:54:42PM **16** **A. Yes.**

01:54:45PM **17** **Q. -- Co-Op people?**

01:54:46PM **18** **A. Yes, sir.**

01:54:47PM **19** **Q. What happened when the first**

01:54:49PM **20** **responders arrived?**

01:54:50PM **21** **A. I told them to check out the two --**

01:54:56PM **22** **to check out the two people in the semi because**

01:55:00PM **23** **they seemed to require a lot more than I did.**

01:55:05PM **24** **Q. What -- I assume you did sustain some**

01:55:09PM **25** **injuries?**

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01:53:01PM **1** **as I pulled him out, he started coming to -- or**

01:53:06PM **2** **unresponsive I guess would be the proper term.**

01:53:10PM **3** **I don't know if he was unconscious or not.**

01:53:11PM **4** **Q. Sure. He was -- he was -- okay. No.**

01:53:13PM **5** **I understand.**

01:53:16PM **6** **So it's your opinion the flames started**

01:53:21PM **7** **pretty immediately upon impact?**

01:53:23PM **8** **A. I believe so.**

01:53:25PM **9** **Q. So did you pull him somewhere? What**

01:53:28PM **10** **happened then?**

01:53:28PM **11** **A. Myself and the young man pulled him**

01:53:32PM **12** **to the highway. At the time of the accident my**

01:53:34PM **13** **phone was dead completely, so we then flagged**

01:53:38PM **14** **down a car, thankfully, that was passing by at**

01:53:42PM **15** **just the right time, had them call 911.**

01:53:45PM **16** **Q. Okay. Did that person stick around,**

01:53:47PM **17** **do you recall?**

01:53:47PM **18** **A. Yes. I believe she was a nurse.**

01:53:50PM **19** **Q. Okay. Did she render aid?**

01:53:52PM **20** **A. I believe so.**

01:53:52PM **21** **Q. What -- what were you doing at that**

01:53:56PM **22** **time once she had arrived and she was rendering**

01:53:59PM **23** **aid?**

01:53:59PM **24** **A. I was assisting as best I could. And**

01:54:01PM **25** **then Larry, the tender truck driver, had arrived**

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01:55:10PM **1** **A. Yes, sir.**

01:55:10PM **2** **Q. What -- what injuries did you**

01:55:11PM **3** **sustain?**

01:55:11PM **4** **A. I sustained a laceration to my**

01:55:15PM **5** **forehead. That was about it.**

01:55:21PM **6** **Q. Who was the first -- was -- was it**

01:55:23PM **7** **an ambulance that arrived on the scene or who**

01:55:25PM **8** **arrived on the scene first, do you know?**

01:55:27PM **9** **A. I believe it was either an ambulance**

01:55:31PM **10** **or a patrol, maybe.**

01:55:33PM **11** **Q. Did you end up talking to any police**

01:55:36PM **12** **officers?**

01:55:36PM **13** **A. I think I gave a statement.**

01:55:39PM **14** **Q. A written statement or a verbal**

01:55:41PM **15** **statement?**

01:55:41PM **16** **A. A verbal.**

01:55:42PM **17** **Q. What do you recall telling them?**

01:55:45PM **18** **A. I was making a left turn. About half**

01:55:49PM **19** **way through the left turn, I heard an air horn,**

01:55:53PM **20** **pulled back on the throttle and braced.**

01:55:59PM **21** **Q. Is that the extent of what you recall**

01:56:02PM **22** **telling them?**

01:56:02PM **23** **A. I believe so.**

01:56:03PM **24** **Q. Do you recall telling them that you**

01:56:04PM **25** **were stopped before the turn?**

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01:56:06PM **1 A. I don't believe so.**

01:56:08PM **2 Q.** Did you end up being transported

01:56:13PM **3** anywhere?

01:56:13PM **4 A. Yes, sir.**

01:56:14PM **5 Q.** Where did you go to?

01:56:14PM **6 A. To Faith Regional Hospital in**

01:56:17PM **7 Norfolk.**

01:56:17PM **8 Q.** Did you talk to Mr. Gibson or his son

01:56:23PM **9** at any point before they were transported?

01:56:25PM **10 A. Just seeing if they were okay.**

01:56:29PM **11 Q.** Did they -- let's talk about

01:56:32PM **12** Mr. Gibson, the adult. Did you -- do you recall

01:56:34PM **13** any specific statements that he made during that

01:56:37PM **14** time?

01:56:37PM **15 A. No, sir.**

01:56:37PM **16 Q.** What about the younger man, his son,

01:56:40PM **17** do you recall him making any specific statements

01:56:42PM **18** at that time?

01:56:42PM **19 A. No, sir.**

01:56:48PM **20 Q.** Okay. Is that RoGator, is that -- is

01:56:50PM **21** that a two-wheel steer or four-wheel steer?

01:56:54PM **22 A. Two-wheel.**

01:56:55PM **23 Q.** Is it only two-wheel or do you have

01:56:56PM **24** an option?

01:56:57PM **25 A. I believe it's only two-wheel.**

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02:08:01PM **1 A. Yes, sir.**

02:08:02PM **2 Q.** You mentioned earlier that the hill

02:08:06PM **3** kind obstructed your view?

02:08:08PM **4 A. Yes, sir.**

02:08:09PM **5 Q.** Did that concern you when you were

02:08:10PM **6** trying to decide where you wanted to turn at?

02:08:14PM **7 A. A little bit, yes.**

02:08:15PM **8 Q.** Why is that?

02:08:16PM **9 A. The fear of the unknown.**

02:08:20PM **10 Q.** Because if you start making your

02:08:22PM **11** turn, you don't know if there's somebody coming

02:08:26PM **12** right over that hill?

02:08:27PM **13 A. Yes, sir.**

02:08:27PM **14 Q.** Is there a reason that you didn't

02:08:29PM **15** choose to instead keep going straight to the next

02:08:32PM **16** exit?

02:08:33PM **17 A. Yes.**

02:08:34PM **18 Q.** I understand hindsight is 20/20, but

02:08:38PM **19** was there any reason?

02:08:38PM **20 A. Part of it would have been**

02:08:42PM **21 convenience, and traveling on a road with a load**

02:08:47PM **22 becomes a lot more dangerous because you're top**

02:08:50PM **23 heavy, and the field entrance would have been**

02:08:52PM **24 right north of the tree line, so it would have**

02:08:56PM **25 been considerably closer to come from the south**

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01:56:59PM **1 Q.** Front wheel?

01:57:01PM **2 A. Yes, sir.**

01:57:01PM **3 Q.** Do you recall losing consciousness as

01:57:24PM **4** a result of the accident?

01:57:24PM **5 A. No, sir.**

01:57:25PM **6 Q.** As far as you know, was the only

01:57:32PM **7** people that actually witnessed the accident were

01:57:34PM **8** you and whoever was in Mr. Gibson's vehicle?

01:57:37PM **9 A. Yes, sir.**

01:57:38PM **10 Q.** You're not aware of any other people

01:57:39PM **11** that actually witnessed it?

01:57:41PM **12 A. No, sir.**

01:57:46PM **13** MR. BOYD: Okay. Okay. Let's take

01:57:47PM **14** a short break.

02:07:33PM **15** (A short recess was taken.)

02:07:33PM **16 Q.** Back on the record.

02:07:36PM **17** Okay. A couple more follow-up from what we

02:07:41PM **18** were talking about prior to the accident.

02:07:44PM **19** So you had mentioned that you were stopped

02:07:47PM **20** or two miles an hour, partially on the right

02:07:51PM **21** shoulder, while you were kind of deciding where

02:07:55PM **22** you wanted to load at?

02:07:56PM **23 A. Yes, sir.**

02:07:56PM **24 Q.** Did you notice the hill behind you

02:07:59PM **25** before you started to make your turn?

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02:08:59PM **1** **than from the north.**

02:08:59PM **2 Q.** So if you were in the road and you

02:09:02PM **3** wanted to -- you wouldn't have very far to travel

02:09:05PM **4** to where you needed to go?

02:09:06PM **5 A. No, sir.**

02:09:08PM **6 Q.** So those considerations sort of

02:09:11PM **7** justified turning when you may not have otherwise

02:09:16PM **8** wanted to turn in that location?

02:09:17PM **9 A. Yes, sir.**

02:09:30PM **10 Q.** I think you mentioned in your

02:09:31PM **11** interrogatory answers that you may have taken

02:09:34PM **12** some medications prior to the accident?

02:09:35PM **13 A. I -- I know around that time I cycled**

02:09:40PM **14 off of them.**

02:09:41PM **15 Q.** Okay. And which medications were

02:09:42PM **16** those?

02:09:42PM **17 A. I believe Abilify and Lexapro.**

02:09:46PM **18 Q.** So you may have taken it around that

02:09:50PM **19** time, but you don't specifically recall?

02:09:51PM **20 A. Yes.**

02:09:52PM **21 Q.** Is it your understanding that you

02:09:54PM **22** were okay to drive when you were taking those?

02:09:54PM **23 A. Yes, sir.**

02:09:55PM **24 Q.** They didn't have any negative effect

02:09:57PM **25** on your ability to drive, to your understanding?

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02:09:58PM **1 A. No, sir.**

02:09:59PM **2 Q.** Okay. Did you ever notify the Co-Op

02:10:08PM **3** that you were taking those medications?

02:10:11PM **4 A. I believe so.**

02:10:11PM **5 Q.** Did they ask you or did you

02:10:13PM **6** voluntarily disclose it?

02:10:15PM **7 A. I voluntarily disclosed it.**

02:10:17PM **8 Q.** Any alcohol in the 24 hours before

02:10:20PM **9** the accident?

02:10:20PM **10 A. No.**

02:10:20PM **11 Q.** Any drugs of any kind --

02:10:21PM **12 A. No.**

02:10:22PM **13 Q.** -- prior to the accident? You

02:10:25PM **14** talked about your cell phone already. You say it

02:10:28PM **15** actually wasn't -- wasn't charged, wasn't working

02:10:30PM **16** at the time of the accident?

02:10:30PM **17 A. I believe so.**

02:10:31PM **18 Q.** Was it just not plugged in or what

02:10:35PM **19** was -- what was the issue?

02:10:36PM **20 A. The battery was dead, I believe,**

02:10:39PM **21 because I wanted to call 911 and my phone was**

02:10:43PM **22 just a black screen.**

02:10:44PM **23 Q.** The one time you need it.

02:10:47PM **24 A. Yeah.**

02:10:48PM **25 Q.** I remember when I was in an accident

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02:12:32PM **1 A. Yes, that would be the vehicle that**

02:12:33PM **2 would be loading me.**

02:12:35PM **3 Q.** Okay. Is that the location of where

02:12:38PM **4** the vehicle was going to be based on what your

02:12:41PM **5** understanding was?

02:12:41PM **6 A. Yes.**

02:12:43PM **7 Q.** How did you -- how did they know

02:12:44PM **8** where you were going to be?

02:12:46PM **9 A. So, how that would work would be,**

02:12:52PM **10 like as the tender truck driver, they would see**

02:12:55PM **11 myself and get in position or get close enough to**

02:13:00PM **12 position to where I could wiggle underneath.**

02:13:03PM **13 Q.** So they didn't know exactly where you

02:13:05PM **14** were going to be, they kind of drive down the

02:13:07PM **15** road and look for you?

02:13:08PM **16 A. Yes, sir.**

02:13:09PM **17 Q.** Okay. Got it.

02:13:39PM **18** (Deposition Exhibit Number 8 was

02:13:40PM **19** marked for identification.)

02:13:40PM **20 Q.** Handing you Exhibit No. 8, these are

02:13:43PM **21** more photographs that were produced. Are these

02:13:45PM **22** photographs from inside that RoGator?

02:13:47PM **23 A. Yes, sir.**

02:13:48PM **24 Q.** Okay. And looks like these aren't

02:13:51PM **25** from the time of the accident. Do you know when

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02:10:52PM **1** and trying to dial 911 after that is the hardest

02:10:58PM **2** thing. I dialed 9110, and then you don't know

02:11:00PM **3** how to delete it, and then you're just -- the one

02:11:02PM **4** time you need to call someone.

02:11:10PM **5** You weren't disciplined at all by the Co-Op

02:11:12PM **6** for anything regarding the accident, right?

02:11:14PM **7 A. No, sir.**

02:11:14PM **8** (Deposition Exhibit Number 7 was

02:11:15PM **9** marked for identification.)

02:11:15PM **10 Q.** Handing you Exhibit No. 7, these are

02:12:05PM **11** some photographs. Do you recognize what these

02:12:08PM **12** photographs are depicting?

02:12:12PM **13 A. It looks like the RoGator I was**

02:12:13PM **14 operating on that day.**

02:12:14PM **15 Q.** And this appears to be photographs

02:12:16PM **16** taken after the accident, kind of the area around

02:12:19PM **17** the accident?

02:12:20PM **18 A. Yes.**

02:12:21PM **19 Q.** On the very first page I see a piece

02:12:22PM **20** of equipment on the side of the road. Is that

02:12:25PM **21** the piece of equipment that was going to load up

02:12:28PM **22** your vehicle with product?

02:12:28PM **23 A. You're talking on the right side of**

02:12:31PM **24 the road?**

02:12:31PM **25 Q.** Right, yes.

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02:13:54PM **1** these pictures were taken?

02:13:55PM **2 A. This might not specifically be that**

02:13:57PM **3 RoGator, because I see a boom, so --**

02:14:03PM **4 Q.** Okay.

02:14:05PM **5 A. It's either that RoGator at a**

02:14:09PM **6 different time or a very similar design, like,**

02:14:14PM **7 because I think the Co-Op had three RoGators.**

02:14:19PM **8 Q.** Okay. The piece of equipment in the

02:14:20PM **9** very first page, that kind of display, what is

02:14:22PM **10** that piece of equipment?

02:14:24PM **11 A. That would be the GPS monitor and**

02:14:27PM **12 mapping system.**

02:14:28PM **13 Q.** Okay. And that was in the RoGator at

02:14:31PM **14** the time of the accident or a similar one was?

02:14:32PM **15 A. Yes.**

02:14:33PM **16 Q.** What's the second page? What's that

02:14:36PM **17** showing us?

02:14:36PM **18 A. That would be if you were using the**

02:14:38PM **19 GPS guidance or even not, it will tell you, okay,**

02:14:44PM **20 this is the path you kind of need to go down.**

02:14:48PM **21 There's a green light in the middle and then as**

02:14:52PM **22 you get further out it turns red.**

02:14:54PM **23 Q.** Okay. How about the third page? Do

02:14:57PM **24** you know what that would be?

02:14:58PM **25 A. The third page would be -- it looks**

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02:15:00PM **1** like the gearshift and rpms.

02:15:11PM **2** Q. So is that 3399 on it?

02:15:16PM **3** A. Yes.

02:15:17PM **4** Q. Okay. So explain to me what exactly

02:15:18PM **5** that is.

02:15:19PM **6** A. I believe that is the rpms of the

02:15:23PM **7** motor.

02:15:23PM **8** Q. Oh, okay. And what about the last

02:15:25PM **9** page, what are we looking at there?

02:15:27PM **10** A. That would be the controlling -- like

02:15:31PM **11** to control how much product was being applied and

02:15:36PM **12** then your regular dashboard gauges --

02:15:40PM **13** Q. Okay.

02:15:41PM **14** A. -- behind there.

02:15:42PM **15** Q. Got it. Once again, you're the

02:15:44PM **16** expert. I'm trying to figure out what's going

02:15:47PM **17** on.

02:15:56PM **18** It's my understanding that the RoGator has

02:16:00PM **19** since been destroyed. Do you have any knowledge

02:16:03PM **20** of what happened to that RoGator after the

02:16:05PM **21** accident?

02:16:05PM **22** A. I believe they repaired it and then

02:16:14PM **23** the tornado finished -- took it out again.

02:16:17PM **24** Q. In 2014?

02:16:18PM **25** A. I believe so.

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02:17:29PM **1** Q. Did you use those at the time of the

02:17:32PM **2** accident or around that time?

02:17:33PM **3** A. Yes. Not Reddit. Reddit has been

02:17:37PM **4** within the last year or so.

02:17:39PM **5** Q. Okay. Do you recall posting anything

02:17:42PM **6** on Facebook regarding the accident?

02:17:44PM **7** A. No, sir.

02:17:45PM **8** Q. Do you recall posting anything on

02:17:48PM **9** Twitter about the accident?

02:17:49PM **10** A. I -- I do not, but I was shown a

02:17:53PM **11** picture of a screen shot or tweet I posted about

02:17:58PM **12** being hit by a semi.

02:18:13PM **13** (Deposition Exhibit Number 9 was

02:18:13PM **14** marked for identification.)

02:18:20PM **15** Q. Okay. Handing you Exhibit No. 9, do

02:18:26PM **16** you recognize Exhibit No. 9?

02:18:28PM **17** A. Yes, sir.

02:18:28PM **18** Q. What do you recognize that as?

02:18:30PM **19** A. My Twitter page.

02:18:31PM **20** Q. So your Twitter -- Twitter account

02:18:34PM **21** handle is BriesonJ?

02:18:37PM **22** A. I believe so.

02:18:37PM **23** Q. Okay. When is the last time you

02:18:42PM **24** posted to your Twitter account?

02:18:44PM **25** A. I -- two, three years ago. I --

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02:16:18PM **1** Q. Did you work for the Co-Op then?

02:16:20PM **2** A. No, sir. Well, I worked for a Co-Op

02:16:24PM **3** then.

02:16:24PM **4** Q. But not -- not the defendant Co-Op?

02:16:28PM **5** A. Yes.

02:16:29PM **6** Q. Okay. So it's your understanding the

02:16:35PM **7** RoGator was basically destroyed in that tornado?

02:16:39PM **8** A. Yes, sir.

02:16:43PM **9** Q. Okay. Were you aware of any

02:16:45PM **10** mechanical problems with the RoGator prior to the

02:16:48PM **11** accident?

02:16:48PM **12** A. No, sir.

02:16:49PM **13** Q. You had inspected the RoGator

02:16:52PM **14** periodically yourself?

02:16:53PM **15** A. Yes, sir.

02:16:53PM **16** Q. And as far as you knew it was in good

02:16:56PM **17** working order?

02:16:57PM **18** A. Yes.

02:17:11PM **19** Q. Do you use any form of social media?

02:17:14PM **20** Have you used any form of social media -- for

02:17:17PM **21** example, Facebook, Instagram, Tumblr?

02:17:19PM **22** A. Yes.

02:17:20PM **23** Q. What type of social media have you

02:17:22PM **24** used in the past?

02:17:22PM **25** A. Twitter, Facebook and Reddit.

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02:18:48PM **1** Q. Not -- not recently?

02:18:49PM **2** A. No, sir.

02:18:50PM **3** Q. It looks to me like on the very front

02:18:56PM **4** page of this, it shows tweets from June 25th,

02:19:04PM **5** 2013, until September 7th, 2013. Is that what --

02:19:07PM **6** would you agree with that?

02:19:08PM **7** A. Yes, sir.

02:19:15PM **8** Q. The -- are these all tweets that you,

02:19:19PM **9** yourself, made?

02:19:20PM **10** A. I would say, yes.

02:19:27PM **11** Q. Looks like the second from the bottom

02:19:31PM **12** states: Lessons learned this week. Semis hurt

02:19:33PM **13** and I may be immortal. Is that in reference to

02:19:37PM **14** this accident?

02:19:37PM **15** A. I believe so, yes.

02:19:39PM **16** Q. What were you referring to when you

02:19:40PM **17** made that?

02:19:40PM **18** A. Being hit by a semi and the fact that

02:19:45PM **19** in all likelihood the machine probably should

02:19:50PM **20** have rolled in the collision from what I've

02:19:53PM **21** heard.

02:19:53PM **22** Q. Your RoGator?

02:19:55PM **23** A. Yes.

02:19:58PM **24** Q. But it didn't?

02:20:01PM **25** A. No, thankfully.

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02:20:15PM **1 Q.** Are any of the other tweets regarding
 02:20:19PM **2** the accident?
 02:20:19PM **3 A. No, sir.**
 02:20:21PM **4 Q.** They're all tweets you made but
 02:20:23PM **5** nothing with regard to the accident?
 02:20:26PM **6 A. I believe so, yes.**
 02:20:36PM **7 Q.** All right. Let's talk about legal
 02:20:37PM **8** history. We talked about the DUI before. Other
 02:20:43PM **9** than that DUI, have you ever been guilty or pled
 02:20:48PM **10** guilty to any type of a crime?
 02:20:50PM **11 A. Yes, sir.**
 02:20:50PM **12 Q.** Let's start with the earliest.
 02:20:52PM **13** What's the first -- earliest one that you recall?
 02:20:54PM **14 A. I believe failure to stop at a stop**
 02:20:57PM **15 sign and too many people in the vehicle in the**
 02:21:01PM **16 first six months of a provisional operator's**
 02:21:06PM **17 permit.**
 02:21:10PM **18 Q.** Is that after you turned 16?
 02:21:13PM **19 A. Yes, sir.**
 02:21:14PM **20 Q.** And those were restrictions on your
 02:21:18PM **21** license at that time?
 02:21:18PM **22 A. Yes.**
 02:21:19PM **23 Q.** How many people could you have in the
 02:21:22PM **24** car?
 02:21:22PM **25 A. In the first six months, one person.**
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02:22:38PM **1 A. A minor in possession.**
 02:22:42PM **2 Q.** What date or time?
 02:22:43PM **3 A. I believe I was charged in January**
 02:22:48PM **4 and then convicted sometime in April -- March or**
 02:22:52PM **5 April.**
 02:22:53PM **6 Q.** Of which year?
 02:22:54PM **7 A. Of 2013, both of those.**
 02:22:58PM **8 Q.** So maybe -- did your DUI plea have--
 02:23:01PM **9** kind of also deal with the MIP plea?
 02:23:05PM **10 A. No.**
 02:23:05PM **11 Q.** They were separate?
 02:23:07PM **12 A. They were separate occasions.**
 02:23:08PM **13 Q.** And you were sentenced in 2013?
 02:23:09PM **14 A. Yes.**
 02:23:09PM **15 Q.** April of 2013?
 02:23:10PM **16 A. Yes.**
 02:23:11PM **17 Q.** Okay. Okay. What else?
 02:23:13PM **18 A. Another minor in possession in June**
 02:23:21PM **19 or July of 2013, and I believe convicted in**
 02:23:29PM **20 August of 2013.**
 02:23:31PM **21 Q.** Was there a sentence or penalty
 02:23:34PM **22** associated with that?
 02:23:35PM **23 A. I was charged with a third offense**
 02:23:38PM **24 MIP, and I chose to -- it was my DUI. Instead of**
 02:23:49PM **25 paying -- I think it was like a thousand bucks a**
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02:21:24PM **1 One person outside the immediate family, I**
 02:21:27PM **2 believe.**
 02:21:27PM **3 Q.** Hopefully I complied with that. All
 02:21:31PM **4** right. Okay. Where was that -- where was that
 02:21:34PM **5** at?
 02:21:34PM **6 A. West Point, Nebraska.**
 02:21:36PM **7 Q.** Did you -- you didn't live in West
 02:21:41PM **8** Point, did you?
 02:21:42PM **9 A. I lived 15 miles west of there.**
 02:21:45PM **10 Q.** Okay. So failure to stop, too many
 02:21:47PM **11** people. What's the next criminal -- or citation
 02:21:53PM **12** that you recall?
 02:21:53PM **13 A. A speeding ticket in June of 2010 or**
 02:22:00PM **14 '11, maybe.**
 02:22:01PM **15 Q.** How fast were you speeding, do you
 02:22:04PM **16** recall?
 02:22:04PM **17 A. 75.**
 02:22:05PM **18 Q.** And in what zone?
 02:22:07PM **19 A. In a 50.**
 02:22:10PM **20 Q.** What's the next one you recall?
 02:22:13PM **21 A. I think that would be the DUI.**
 02:22:20PM **22 Q.** And when was that, again?
 02:22:23PM **23 A. I was charged with it November 11,**
 02:22:25PM **24 2012, and convicted in April 1st, 2013.**
 02:22:32PM **25 Q.** Okay. Any other criminal --
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02:23:53PM **1 month for an alcohol monitor, I chose the jail**
 02:23:56PM **2 time.**
 02:23:58PM **3 Q.** You said it was a third offense.
 02:24:00PM **4** Was there -- were there two prior MIPs?
 02:24:03PM **5 A. The judge counted the DUI as a MIP.**
 02:24:08PM **6 Q.** Got it. Because you were underage.
 02:24:10PM **7** Got it. How long did you have to serve for that?
 02:24:13PM **8 A. Seven days -- ten days.**
 02:24:20PM **9 Q.** Okay. Any other criminal or citation
 02:24:25PM **10** matters?
 02:24:25PM **11 A. A speeding ticket in April 2014.**
 02:24:33PM **12 Q.** Do you recall how fast -- how fast
 02:24:35PM **13** the violation was?
 02:24:37PM **14 A. No, sir. And then a speeding ticket**
 02:24:39PM **15 in October of 2015.**
 02:24:45PM **16 Q.** Do you recall how fast that one was?
 02:24:48PM **17 A. 77 miles an hour in a 60.**
 02:24:53PM **18 Q.** Okay. Anything else you recall?
 02:24:55PM **19 A. No, sir.**
 02:24:55PM **20 Q.** Were all the incidents that occurred
 02:25:11PM **21** before the accident we're talking about, did you
 02:25:17PM **22** ever notify the Co-Op of any of these citations
 02:25:21PM **23** or criminal matters?
 02:25:22PM **24 A. I notified the Co-Op of the DUI**
 02:25:33PM **25 because I had to make time for probation and**
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02:25:34PM **1** **such, and I believe I notified them of my past**

02:25:37PM **2** **driving record.**

02:25:38PM **3** **Q.** Do you -- how do you recall notifying

02:25:40PM **4** them of that, verbally or show them something

02:25:44PM **5** else?

02:25:44PM **6** **A. I'm 99 percent sure I did it verbally**

02:25:47PM **7** **and then 80 percent positive I did it written**

02:25:52PM **8** **out.**

02:25:53PM **9** **Q.** Do you think the verbal discussion

02:25:57PM **10** was during an interview? When do you think that

02:26:00PM **11** was?

02:26:00PM **12** **A. Yes, I believe it took place during**

02:26:02PM **13** **the interview.**

02:26:03PM **14** **Q.** You have a recollection you told the

02:26:04PM **15** Co-Op about your prior driving history at the

02:26:07PM **16** time you were interviewing for your first

02:26:09PM **17** position there?

02:26:09PM **18** **A. Yes, sir.**

02:26:10PM **19** **Q.** Did they ask you about it or did you

02:26:14PM **20** voluntarily disclose it?

02:26:15PM **21** **A. I voluntarily disclosed it.**

02:26:17PM **22** **Q.** And when you were talking about your

02:26:19PM **23** prior driving history, do you think you listed

02:26:21PM **24** all the prior speeding tickets and citations and

02:26:25PM **25** criminal matters or did you only list some of

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02:27:50PM **1** **Q.** And then we have the October 22nd,

02:27:54PM **2** 2011, citation for speeding for 11 to 15 miles an

02:27:57PM **3** hour?

02:27:57PM **4** **A. Yes, sir.**

02:27:58PM **5** **Q.** Sound right?

02:27:59PM **6** **A. Now that I think about it, yes.**

02:28:01PM **7** **Q.** Okay. And I've got October 13th,

02:28:04PM **8** 2012 --

02:28:04PM **9** **A. Yeah, I forgot about that one.**

02:28:06PM **10** **Q.** I have that for careless driving.

02:28:08PM **11** What was -- what was the situation there?

02:28:10PM **12** **A. I was coming back from an event in**

02:28:15PM **13** **Oklahoma and I fell asleep behind the wheel. I**

02:28:19PM **14** **ended up rolling my vehicle. I lost my phone in**

02:28:24PM **15** **the rollover. I was probably 10 or 15 miles from**

02:28:33PM **16** **Lincoln. I tried to drive it towards Lincoln.**

02:28:37PM **17** **I -- the vehicle was rendered inoperable in the**

02:28:43PM **18** **roll. It still moved, but not well, and then I**

02:28:48PM **19** **placed it off to the shoulder on a gravel road**

02:28:51PM **20** **and walked the rest of the distance and the cop**

02:28:56PM **21** **charged me with careless driving.**

02:28:58PM **22** **Q.** Okay. Then I have a November 11,

02:29:03PM **23** 2012, DUI. We've already talked about that.

02:29:05PM **24** **A. Yes, sir.**

02:29:06PM **25** **Q.** I have a January 26, 2013, MIP. We

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02:26:27PM **1** them?

02:26:27PM **2** **A. I believe I listed all of them.**

02:26:29PM **3** **Q.** You said you are 80 percent sure that

02:26:36PM **4** you also filled out paperwork that listed

02:26:38PM **5** citations?

02:26:39PM **6** **A. Yes, sir.**

02:26:59PM **7** **Q.** I haven't -- in my research I saw an

02:27:07PM **8** October 22nd, 2011, speeding ticket for 11 to

02:27:10PM **9** 15 miles an hour. Does that ring a bell?

02:27:15PM **10** **A. Yeah, that sounds --**

02:27:18PM **11** **Q.** It probably happened, you just don't

02:27:19PM **12** recall?

02:27:20PM **13** **A. It might have been, yeah, that --**

02:27:24PM **14** **Q.** Okay. Maybe it will be easier, I'm

02:27:28PM **15** going to go down a list of the ones that I've got

02:27:31PM **16** and let me know if you recall them enough to make

02:27:33PM **17** sure my records are right.

02:27:35PM **18** So I've got a March 12th, 2010, citation for

02:27:40PM **19** violating a stop sign and violating the terms of

02:27:42PM **20** your driver's license.

02:27:43PM **21** **A. Yes.**

02:27:44PM **22** **Q.** We talked about that one. And I've

02:27:46PM **23** got a July 31st, 2010, speeding ticket for 11 to

02:27:49PM **24** 15 miles an hour.

02:27:49PM **25** **A. Yes, sir.**

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02:29:09PM **1** talked about that.

02:29:10PM **2** **A. Yes, sir.**

02:29:11PM **3** **Q.** Your driver's license was suspended

02:29:20PM **4** for 60 days as a result of that DUI. Does that

02:29:22PM **5** sound right?

02:29:23PM **6** **A. Yes, sir. With the ignition**

02:29:27PM **7** **interlock gave me the right to drive, only with**

02:29:31PM **8** **the interlock, itself.**

02:29:33PM **9** **Q.** After that 60-day period?

02:29:34PM **10** **A. During that 60-day period.**

02:29:39PM **11** **Q.** And then I have a June 7th, 2013,

02:29:42PM **12** MIP. We talked about that.

02:29:44PM **13** **A. Yes, sir.**

02:29:44PM **14** **Q.** And then I have a June 19th, 2013,

02:29:50PM **15** stop sign violation. Do you recall that?

02:29:53PM **16** **A. Yes.**

02:30:00PM **17** **Q.** That was only about one week before

02:30:03PM **18** this accident; is that right?

02:30:04PM **19** **A. Yes, sir.**

02:30:04PM **20** **Q.** Ever been involved in any other

02:30:08PM **21** criminal matters or traffic tickets or traffic

02:30:12PM **22** violations that I didn't list?

02:30:13PM **23** **A. There was a civil dispute when I was**

02:30:19PM **24** **in junior high.**

02:30:20PM **25** **Q.** Okay. And what was that regarding,

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02:30:23PM **1** kind of generally?

02:30:24PM **2 A. A protection order.**

02:30:28PM **3 Q.** Did you violate a protection order?

02:30:31PM **4 A. No.**

02:30:31PM **5 Q.** I guess give me a little bit of

02:30:34PM **6** background.

02:30:34PM **7 A. Looking back, I view it as a family**

02:30:41PM **8 was trying to get money from the school and they**

02:30:44PM **9 claimed I was bullying their child.**

02:30:50PM **10 Q.** I take it that was middle school?

02:30:52PM **11 A. Yeah.**

02:30:54PM **12 Q.** Any other criminal matters or traffic

02:30:56PM **13** citations that we haven't discussed?

02:30:58PM **14 A. Not that I believe.**

02:30:59PM **15 Q.** Okay. Any motor vehicle accidents

02:31:04PM **16** other than the June 26, 2013, accident that

02:31:07PM **17** you've been involved in?

02:31:08PM **18 A. The -- the careless driving evening**

02:31:11PM **19 and that was it.**

02:31:12PM **20 Q.** And that was just a one -- one

02:31:13PM **21** vehicle accident?

02:31:14PM **22 A. Yes, sir.**

02:31:15PM **23 Q.** Okay. Any other civil non-criminal

02:31:18PM **24** lawsuits you've been in besides this one?

02:31:21PM **25 A. Except for that protection order, no.**
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02:33:39PM **1** course of conduct when you were driving the

02:33:41PM **2** RoGator on the highway? Did you always drive in

02:33:43PM **3** the middle of the road? Did you always drive to

02:33:45PM **4** the side of the road? Or how did you decide

02:33:48PM **5** where to drive?

02:33:48PM **6 A. If there was a vehicle behind me, I**

02:33:51PM **7 would then shoulder and slow down and let them**

02:33:56PM **8 pass.**

02:33:58PM **9 Q.** I think you also mentioned earlier if

02:34:00PM **10** there's a large truck coming towards you, you

02:34:03PM **11** might veer over to give them room also?

02:34:05PM **12 A. Yes, sir.**

02:34:06PM **13 Q.** But otherwise, outside of when

02:34:08PM **14** there's someone directly behind you or someone

02:34:09PM **15** coming towards you, you're driving in the middle

02:34:12PM **16** of the road?

02:34:12PM **17 A. Yes, sir.**

02:34:15PM **18 Q.** Okay. Are you aware of any minimum

02:34:18PM **19** speed requirements when you're driving on any

02:34:21PM **20** road?

02:34:22PM **21 A. There are minimum speed requirements,**

02:34:24PM **22 but I don't believe there were any for the roads**

02:34:27PM **23 I was operating on.**

02:34:28PM **24 Q.** And what do you base that on?

02:34:29PM **25 A. That there was no minimum speed limit**
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02:31:23PM **1 Q.** Okay. Are you aware of any

02:31:55PM **2** obligation when you're in a slow moving vehicle

02:32:01PM **3** to drive on the shoulder as opposed to in the

02:32:03PM **4** main lane of traffic?

02:32:04PM **5 A. I am not.**

02:32:25PM **6** (Deposition Exhibit Number 10 was

02:32:26PM **7** marked for identification.)

02:32:26PM **8 Q.** I'm going to mark that for the

02:32:29PM **9** record. Just take a second to read -- read over

02:32:32PM **10** that statute and let me know if you're -- when

02:32:34PM **11** you're done looking through it.

02:32:54PM **12 A. I've read through it.**

02:32:56PM **13 Q.** Okay. So it's your understanding

02:33:00PM **14** there's no obligation for you to drive a slow

02:33:05PM **15** moving vehicle or piece of farm equipment on the

02:33:07PM **16** shoulder as opposed to the main road?

02:33:10PM **17** MR. GOYETTE: I'll object to the

02:33:11PM **18** form of the question. It asks for a legal

02:33:14PM **19** conclusion. You can go ahead and answer if

02:33:16PM **20** you're able.

02:33:17PM **21 A. The -- the way I understand it is you**

02:33:24PM **22 are, I guess, encouraged when you're slowing down**

02:33:31PM **23 the flow of traffic to find a place to edge off**

02:33:37PM **24 and --**

02:33:37PM **25 Q.** So what was your normal -- normal
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02:34:33PM **1 sign posted below the speed limit sign.**

02:34:37PM **2 Q.** What was the speed limit on that

02:34:39PM **3** road, do you know?

02:34:39PM **4 A. I think it was 60.**

02:34:43PM **5 Q.** Do you recall on the RoGator, on the

02:34:48PM **6** day of the accident, was there a -- like an

02:34:50PM **7** orange triangle in the back of it?

02:34:52PM **8 A. There may have been. I know a week**

02:34:58PM **9 earlier it had fallen off, and I used baling wire**

02:35:03PM **10 to put a new one on.**

02:35:05PM **11 Q.** Sorry, what did you just say?

02:35:07PM **12 A. A week -- a week earlier it had**

02:35:10PM **13 fallen off and I was using ten-gauge wire to hold**

02:35:13PM **14 one on.**

02:35:13PM **15 Q.** Okay. So it fell off, but you put it

02:35:16PM **16** back on using some wire?

02:35:18PM **17 A. Yes, sir.**

02:35:19PM **18 Q.** Do you recall if it was on the

02:35:21PM **19** RoGator at the time of the accident?

02:35:23PM **20 A. I'm not sure, sir.**

02:35:25PM **21 Q.** You don't specifically have a

02:35:37PM **22** recollection one way or the other?

02:35:38PM **23 A. No, sir.**

02:36:29PM **24 Q.** Okay. Who's Bill Anderson? Have we

02:36:31PM **25** talked about him?
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02:36:31PM **1 A. Bill Anderson would be the manager of**
 02:36:34PM **2 the Winside location.**
 02:36:36PM **3 Q.** And was that the primary location you
 02:36:38PM **4** worked out of?
 02:36:39PM **5 A. I worked out of the Pilger location.**
 02:36:41PM **6 Q.** But on the -- on the day of the
 02:36:46PM **7** accident you were working closer to the Winside
 02:36:48PM **8** location?
 02:36:49PM **9 A. Yes, sir.**
 02:36:49PM **10 Q.** Okay. Would you consider him kind of
 02:36:53PM **11** your supervisor that day?
 02:36:54PM **12 A. Yes, sir.**
 02:36:55PM **13 Q.** Who's Dave Hansen?
 02:37:05PM **14 A. Dave Hansen would be -- I believe**
 02:37:09PM **15 he's kind of like the yard manager, or was.**
 02:37:16PM **16 Q.** Larry Ritz -- Ritze. Was that your
 02:37:20PM **17** trainer?
 02:37:20PM **18 A. No.**
 02:37:20PM **19 Q.** Larry was the guy that was going to
 02:37:23PM **20** load you up?
 02:37:24PM **21 A. Yes.**
 02:37:25PM **22 Q.** Okay. Ryan Kruger?
 02:37:28PM **23 A. Kruger, that would be --**
 02:37:29PM **24 Q.** That's the trainer?
 02:37:30PM **25 A. Yes.**
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02:43:31PM **1 vehicles are coming, instead of starting from the**
 02:43:34PM **2 right lane, to shift over to the left lane and**
 02:43:37PM **3 then do your turn.**
 02:43:38PM **4 Q.** And why is that a good idea?
 02:43:40PM **5 A. It just prevents people from, like,**
 02:43:44PM **6 coming over a hill and going, oh, crap, and**
 02:43:50PM **7 hitting you in the process of the turn.**
 02:43:52PM **8 Q.** That's a way you can position the
 02:43:54PM **9** vehicle to make a quick turn?
 02:43:56PM **10 A. Yes.**
 02:43:57PM **11 Q.** And that -- and you didn't follow
 02:43:59PM **12** those kind of guidelines in this incident?
 02:44:02PM **13 A. That -- that advice came after.**
 02:44:04PM **14 Q.** Sure. But looking back, if you could
 02:44:06PM **15** do it over again, you would have kind of moved to
 02:44:09PM **16** the left?
 02:44:09PM **17 A. Yes, sir.**
 02:44:20PM **18 Q.** Any other specific items on operating
 02:44:23PM **19** the RoGator near hills?
 02:44:28PM **20 A. Not that I recall.**
 02:44:30PM **21 Q.** What about the steps to take leading
 02:44:34PM **22** up to a turn, did they give you any specific
 02:44:37PM **23** guidance on that besides follow the rules of the
 02:44:40PM **24** road?
 02:44:40PM **25 A. No, sir.**
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02:38:06PM **1** MR. BOYD: Okay. We'll take --
 02:38:07PM **2** we'll go off the record.
 02:38:09PM **3** MR. GOYETTE: Sure.
 02:38:10PM **4** MR. BOYD: Take a break.
 02:38:12PM **5** (A short recess was taken.)
 02:42:33PM **6** MR. BOYD: We'll go back on the
 02:42:35PM **7** record.
 02:42:35PM **8 Q.** Just a couple final questions here.
 02:42:39PM **9** Thinking back to your training at the Co-Op when
 02:42:41PM **10** you were learning how to drive -- kind of drive
 02:42:43PM **11** and operate the RoGator, did they -- did Co-Op or
 02:42:48PM **12** your trainer ever give you any rules or guidance
 02:42:52PM **13** on how to choose where to load up and get your
 02:42:55PM **14** product filled on the vehicle?
 02:42:56PM **15 A. Not really.**
 02:42:58PM **16 Q.** Did they ever give you guidance or
 02:43:01PM **17** training or rules on making turns using the
 02:43:06PM **18** RoGator?
 02:43:07PM **19 A. Follow the rules of the road.**
 02:43:13PM **20 Q.** Other than that, nothing more
 02:43:16PM **21** specific than that that you recall?
 02:43:18PM **22 A. After the accident I was given advice**
 02:43:20PM **23 on how to do it better in the future.**
 02:43:23PM **24 Q.** What was that advice?
 02:43:25PM **25 A. For a left-hand turn to -- if no**
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02:44:42PM **1** MR. BOYD: I don't have any other
 02:44:43PM **2** questions.
 02:44:43PM **3** MR. GOYETTE: Mr. Jensen, I don't
 02:44:44PM **4** have any questions for you today. Nebraska law
 02:44:47PM **5** provides that you can read your deposition after
 02:44:49PM **6** it's been transcribed and make certain types of
 02:44:53PM **7** changes. We've been going for a little bit. I'm
 02:44:56PM **8** going to recommend to you that you exercise your
 02:44:59PM **9** right to read and sign.
 02:45:00PM **10** THE WITNESS: Okay.
 02:45:01PM **11** (The deposition was concluded at
 02:45:01PM **12** the hour of 2:45 p.m.)
 02:45:01PM **13**
 02:45:01PM **14**
 02:45:01PM **15**
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 02:45:01PM **25**
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J U R A T

I, BRIESON JENSEN, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true, and correct transcription, with my noted corrections, if any, of my testimony so given at said time and place.

(Deponent's signature)

(Date)

STATE OF NEBRASKA)

) ss.

COUNTY OF CUMING)

Subscribed and sworn to before me on
this _____ day of _____, 2016.

GENERAL NOTARY PUBLIC

THIBAUT, SUHR & THIBAUT, INC.
Omaha, Nebraska (402) 331-2500

- C E R T I F I C A T E -

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

I, Alvin J. Thibault, RPR, CSR, and General Notary Public in and for the State of Nebraska, do hereby certify that BRIESON JENSEN was by me duly sworn to testify the truth, the whole truth and nothing but the truth, and that the deposition by him as above set forth was reduced to writing by me.

That the within and foregoing deposition was taken by me at the time and place herein specified and in accordance with the within stipulations, the reading and signing of the witness to his deposition having not been waived.

That I am not counsel, attorney, or relative of either party or otherwise interested in the event of this suit.

IN TESTIMONY WHEREOF, I have placed my hand and notarial seal this 20th day of December, 2016.

GENERAL NOTARY PUBLIC

COST: \$ _____

THIBAUT, SUHR & THIBAUT, INC.
Omaha, Nebraska (402) 331-2500

11:53:05AM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY GIBSON, JR., and SHAWNA)
GIBSON, husband and wife,) No. 8:16-cv-296
)
Plaintiffs,)
)
v.)
)
BRIESON JENSEN and FARMERS) CERTIFICATE OF
CO-OPERATIVE,) REPORTER
)
Defendants.)

I, Alvin J. Thibault, RPR, CSR and General Notary Public, do hereby certify that I served as the Court Reporter at the deposition of BRIESON JENSEN on December 15, 2016 at Fraser Stryker, 500 Energy Plaza, 409 South 17th Street, Omaha, Nebraska in which the costs of reporting and transcribing the deposition were \$ _____, and that such costs are to be paid by counsel for the plaintiffs.

I further certify that the original and copies were sent to: Original and 1 copy to Mr. Alexander D. Boyd, 1 copy to Mr. Randall L. Goyette.

Dated this 20th day of December, 2016.

GENERAL NOTARY PUBLIC
Alvin J. Thibault, RPR
Thibault, Suhr & Thibault, Inc.
6818 Grover Street
Omaha, Nebraska 68106
(402) 331-2500

THIBAUT, SUHR & THIBAUT, INC.
Omaha, Nebraska (402) 331-2500

December 20th, 2016

Brieson Jensen
921 North Twelfth Street
Wisner, Nebraska 68791

Dear Mr. Jensen:

You will recall on December 15, 2016, I took your deposition at Fraser Stryker, 500 Energy Plaza, 409 South 17th Street, Omaha, Nebraska, dealing with the case of GARY GIBSON, JR., and SHAWNA GIBSON, husband and wife v. BRIESON JENSEN and FARMERS CO-OPERATIVE docketed in the United States District Court for the District of Nebraska. Your signature on the deposition was not waived.

A manuscript, which is an exact copy of the full-sized original transcript, is enclosed for your signature. I would appreciate it if you would read the manuscript and then sign the attached signature page and errata sheet and return the signature page and the errata sheet to me in the enclosed envelope as soon as possible. Local practice allows a witness 30 days in which to read and sign the transcript and return same to the reporter.

As you read the manuscript, please note any corrections you might have on the errata sheet enclosed giving the page number, line number, and the reason for the correction to be made as so indicated on the sheet.

After reading and noting any corrections on the errata sheet, please sign the signature page and also the errata sheet. Please sign both pages in front of a Notary Public and then have the Notary sign on the proper line. Thank you for your cooperation in this matter.

Yours truly,

Alvin J. Thibault

cc: Mr. Alexander D. Boyd
Mr. Randall Goyette

THIBAUT, SUHR & THIBAUT, INC.
Omaha, Nebraska (402) 331-2500

1 DEPOSITION CORRECTIONS OF BRIESON JENSEN

2 CASE: GARY GIBSON, JR., and SHAWNA GIBSON, husband and
3 wife v. BRIESON JENSEN and FARMERS CO-OPERATIVE

No. 8:16-cv-296

4 PAGE LINE REASON FOR
5 NO. NO. CORRECTION CORRECTION

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17	*	*	*
18	*	*	*

19
20 SIGNATURE OF WITNESS

21 STATE OF NEBRASKA)

) ss

22 COUNTY OF CUMING)

23 Subscribed and sworn to before me this
24 ____ day of _____, 2016.

25 GENERAL NOTARY PUBLIC

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APPLICATION FOR EMPLOYMENT

FARMERS COOPERATIVE — PILGER, WINSIDE, STANTON
 PO BOX 326
 PILGER, NE 68768

Position Applied For _____ Date of Application April 4, 2013

Name Brierson Jensen

Address 514 Avenue E Winner, NE 68791

Telephone (402)-380-1237

Social Security Number 506-33-1200

Have you ever filed an application with us before? ____ Yes X No If Yes, when _____

Have you ever been employed with us before? ____ Yes X No If Yes, when _____

Are you currently employed? ____ Yes ____ No May we contact current employer? ____ Yes ____ No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status?
 Proof of citizenship or immigration status will be required upon employment. ____ Yes X No

On what date would you be available to start work? 4-10-13 X Yes ____ No

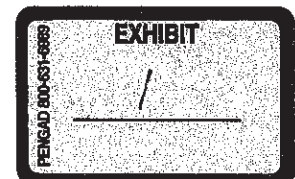
Are you able to work: X Full Time X Part Time ____ Temporary ____ Shift Work

Are you currently on "lay-off" status and subject to recall? ____ Yes X No

Can you travel if a job requires it? ____ Yes X No

Have you been convicted of a felony within the last 7 years? ____ Yes X No
 Conviction will not necessarily disqualify an applicant from employment.

If Yes, please explain. _____



EDUCATION

	Name & Address of School	Course of Study	Years Completed	Diploma Degree
Elementary School	Wisner, NE		8	
High School	Wisner, NE		4	High School Diploma
Undergraduate College				
Graduate				
Professional				
Other (Specify)				

Indicate any foreign languages you can speak, read and/or write.			
	FLUENT	GOOD	FAIR
SPEAK			
READ			
WRITE			

Describe any specialized training, apprenticeship, skills and extra-curricular activities.

Describe any job-related training received in the United States military.

I drive truck for the National Guard once a month.

EMPLOYMENT EXPERIENCE

Start with you present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

Employer Roth Feed lots, Inc	Dates Employed		Work Performed
Address 440 S Road Winer, ME 68791	From	To	
Telephone (402) 529-6608	JUNE 08	MAY 2012	Lawn maintenance maintenance Fencing, Feeding Livestock, Cleaning Machinery
Job Title Laborer	Hourly Rate/Salary		
Supervisor Paul Rabe	Starting	Final	
Reason For Leaving College	\$6.55/hr	\$7.75/hr	
Employer	Dates Employed		Work Performed
Address	From	To	
Telephone			
Job Title	Hourly Rate/Salary		
Supervisor	Starting	Final	
Reason For Leaving			
Employer	Dates Employed		Work Performed
Address	From	To	
Telephone			
Job Title	Hourly Rate/Salary		
Supervisor	Starting	Final	
Reason For Leaving			
Employer	Dates Employed		Work Performed
Address	From	To	
Telephone			
Job Title	Hourly Rate/Salary		
Supervisor	Starting	Final	
Reason For Leaving			

List professional, trade, business or civic activities and offices held. _____

Other Qualifications. Summarize special job-related skills and qualifications acquired from employment or other experience.

State any specialized skills or additional information that you feel may be helpful to us in considering your application for employment.


REFERENCES (Name, Address, Phone)

1. Greta Roth 490 S Road Winner NE 68791 (402)-529-⁶⁶⁰⁸~~6608~~
2. ~~Greg McBride~~ Dale Alexander (402)-380-8093 (402)-369-1444
3. ~~Brad Rosten~~ Carolyn Piper (402)-30- (402)-380-8887

NEBRASKA WWW.DMV.NE.GOV
OSANE

IGNITION INTERLOCK PERMIT

UNDER 21 UNTIL
12-01-2014




15 Sex: **M**
16 Hgt: **5'10**
17 Wgt: **180**
18 Eyes: **GRN**
19 Hair: **BRN**
9. Class: **O**
9a End: **NONE**
12 Rest: **NONE**

[Signature]

WITH DRIVING PRIVILEGES

4a License No. **H12385490** 4a ISS **04-19-2013**
5 DOB **12-01-1993** 4b EXP **05-19-2013**
1 **BRIESEN H JENSEN**
8 **514 AVE E**
WASNER, NE 68701
Fee **\$47.50**

DONOR 

SOCIAL SECURITY

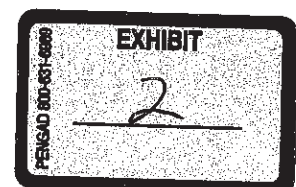
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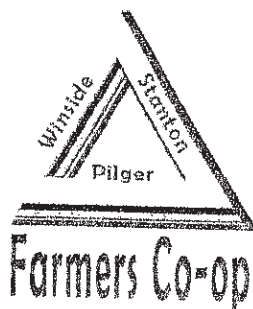
THIS NUMBER HAS BEEN ESTABLISHED FOR

BRIESEN H JENSEN

[Signature]
SIGNATURE

ADMINISTRATION





FARMERS COOPERATIVE

PO BOX 326, PILGER, NE 68768
PILGER 402-396-3414
FAX 402-396-3269
TOLL FREE 800-922-3414

STANTON 402-439-2430
WINSIDE 402-286-4277
SPURVILLE 402-841-8119

COMPANY POLICY

June 14, 2013

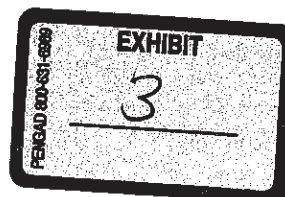
The Farmers Cooperative is a business created and owned by farmer members that it serves.

The Directors and Management are aware that in addition to their duties to the membership to adhere to sound business principles it also has an obligation to its employees. Likewise, the employee also has a definite obligation to the Co-op and his employer.

The following policies are established to define as clearly as possible the nature and extent of the responsibilities on the part of the cooperative, the Directors, the Manager, and the employees. These policies are intended to create a good employee and employer relationship which will in turn create good membership.

Suggestions and constructive criticism are welcome at all times.

1. The board has the duty to act as a unit and not as individuals or a part of the Board. The Board shall at all times act in the best interest of the Co-op and the benefit of everyone in the community.
2. The Board shall select and employ a competent manager to conduct the business operation of the Co-op along sound business principles and in the best interest of its members.
3. The Manager shall at all times hire employees best qualified for the jobs they are to perform. He/she shall have full authority to hire or dismiss employees. It shall be his/her duty to supervise and direct all operation of the Co-op.
4. It shall be the duty of the Manager to hire employee capable of maintaining a bookkeeping department that will provide the Manager and the Board of Directors with the records and reports required to operate the cooperative. The Manager and Board of Directors shall employ a competent outside auditing firm to report directly to them on an annual basis.
5. All department managers shall meet with the General Manager on such a regular basis as to insure that communications are maintained that allow for smooth operation of all phases of the cooperative. It shall be the duty of the General Manager to see that such meetings and schedules are carried out as needed.
6. It shall be the duty of each department and Branch Manager to direct the routine, on the job activities of the employees working in his or her department. It shall also be the responsibility of the department head to see to it that his or her department operates at as high a service and profitability level as possible.



DEF000678

7. All areas under the control of the Co-op will be kept in a neat orderly manner at all times, especially the area where patrons are being served. It shall be the duty of each employee, as well as management, to see that this is done.
8. All employees are expected to be neat, clean and to conduct themselves in a businesslike and courteous manner. He or she should be civic minded and work with the community whenever possible.
9. The Co-op random drug testing is to include all employees. Alcohol or drug abuse by any Co-op employee will be handled according to the terms of our Drug Free Work Place Policy. FIRST OFFENSE—If employee cooperates by completing a voluntary drug or alcohol treatment program and agrees to comply with random drug testing he/she, if proving negative, on such testing, may retain their position. SECOND OFFENSE—Immediate termination of employment.
10. The Co-op will strive to maintain a work environment in which employees can be free of any unintentional sexual harassment or discrimination. The General Manager will immediately move to stop any sexual harassment or discrimination as soon as the General Manager becomes aware of it and take appropriate action, including disciplinary action or termination. Employees are expected to immediately report any instances of sexual harassment or discrimination as soon as they become aware of such conduct.
11. Any employee who is released from the employment of the Co-op shall receive two weeks' severance pay. Any employee who resigns is asked to give two weeks' notice.
12. Any employee leaving the place of business for any length of time for other than company business shall do so only after he/she has received permission from the manager.
13. It shall be the policy of the Co-op to take part in any employee training programs deemed necessary by the manager.
14. Two regular breaks from work are allowed on a daily basis. These break periods should not exceed 15 minutes. Breaks should only be taken when and if work schedules allow time. Employees should be aware that breaks on company time are a privilege, not an inalienable right.
15. Any employee who has been away from his/her department should immediately upon returning report back to his/her area for further updates on his/her work schedule.
16. A majority of our employees work within multiple departments, so it is expected of each employee to help in any department when needed.
17. Only with the approval of the Manager may employees use the equipment or facilities of the Co-op for personal use.
18. Employees shall be allowed to purchase merchandise and accessories through the hardware and service station for 10% above cost. All other purchases of farm supplies, groceries and commodities will have to be at retail price.
19. All full time employees, whenever possible, are encouraged to wear neat, clean uniforms while on duty. Full time employees will be allowed \$220.00 on an annual basis to purchase or rent company identified uniforms. Rental cost over the annual \$220.00 will be deducted from the employee's bi-weekly paycheck. Purchased uniforms over the allowed amount will be charged to the employees account.
20. If it is necessary for any employee to use his/her personal vehicle for Co-op business, that employee will be reimbursed per mile at the current IRS approved rate.
21. Vacation time will be allowed for employees with continuous service as follows: One week after the first year; 2 weeks after the second year; and 3 weeks after the tenth year. Vacation schedules must be worked out in advance with the management. Vacation time can only be carried forward from year to year when arrangements are made in advance with

- the General Manager. If arrangements to carry over unused vacation is not made prior to year end the carryover will be forfeited by the employee. For those employees who earn 3 weeks vacation, if circumstances arise which the employee is unable to use the entire 3 weeks within the calendar year, the employee is allowed to choose a payout of no less than 2 days and no more than one week, to be paid in the last pay of November.
22. Paid sick leave will be allowed to all full time employees who have had at least 90 days continuous employment. The paid sick leave will amount to one day for each month worked to an accumulation of 45 days maximum. Any employee proven to be taking advantage of sick leave for other than actual sickness is subject to dismissal.
 23. Regular full time employees will be allowed up to 3 days for absence because of serious illness or death in the employee's immediate family. Time off for other funerals may be granted in special cases by the manager.
 24. Regular work hours and work schedules may be different for various departments. However, when the seasonal demands of spring planting and fall harvest are upon us, all employees should understand that work schedules are regulated by whatever it takes to get the job accomplished.
 25. The following Holidays will normally be observed: New Year's Day, Memorial Day, July 4th, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.
 26. Full time employees are defined as those employees that work a full time schedule of at least 36 hours per week.
 27. Seasonal employees are those that work during the Spring and Fall season, as the work schedule demands. This is less than a three month period during either Spring or Fall and not more than a three month period during either Spring or Fall and not more than 5 months annually.
 28. Part time employees are those that work less than 30 hours per week or 1560 hours annually on an on call or regular schedule.
 29. All full time employees are entitled to participate in the company group health insurance plan and 401k retirement program.
 30. If an employee chooses not to participate in the group health plan the Co-op agrees to compensate that employee on a basis comparable to the lowest rate paid for single coverage by any employee in the total work force.
 31. No employee shall be engaged in any other occupation that will be detrimental to his/her work for the Co-op or to the Co-op.
 32. This set of policies has been adopted by the Board of Directors and shall supersede any policies now practiced by the Co-op. Company policies will be reviewed as deemed necessary by the Board of Directors.

BOARD OF DIRECTORS
FARMERS COOPERATIVE
PILGER, NEBRASKA

_____, Secretary

~~DO NOT WRITE IN THESE SPACES~~

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

Done ✓

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Done ✓

Done ✓

Done ✓

Scott Mantz 79A Hoffman Place 40# Nutri 87#

Scott Mantz 150A Carroll Pivot. 50# Nutri 109#

Kevin Mantz 80A Pivot 70# Nutri 152#

" 425A 40# Nutri 120 home plus 65A melanah 87#
162 Wambach 7PA south of home

Kurt Mantz 85A Pivot 109# Nutri

" 63A east of home place 109# Nutri

" 60A south place by old home south rd. 109# Nutri

Gerard Mantz 45A North of Place 1st. C.S.P. 1st. 2MB
302 Callisto

" 75A my place same

" 665A Home place same

" 144A Peter's place same

Brian Racz 172A Bears 1st. C.S.P. & 1st. 2MB

Scott Mantz 135A Nutri 87#

" 140A Nutri 87# + 50# AMS

" 152A Nutri 87# + 30# AMS

John Aylen 50A Shirley Meyer Pl call Joh 260# Nutri
30# AMS

" West PO 77A

" 137A east home

~~DO NOT WRITE IN THESE SPACES~~

Kyle Frederick 90A corn 1st. C.S.P. 302. Callisto



MIX SHEET

113
FARMER
KEVIN MAROTZ

55213 HWY 35

4084146

NE 68740-4023

FARMERS CO-OP
P.O. BOX 326
PILGER, NE 68768
ALSO WINSIDE & STANTON, NE.

BATCH 1 OF 1

ORDER # : 025186

PERMIT #:

CROP YR : 2013

APPL. # : 9

ACRES : .00

FIELD # : 1

DATED : 06/26/2013

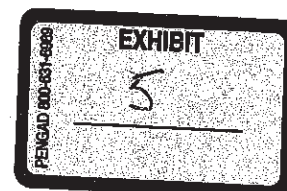
APPLIED ACRES	MEMO	LAB	UNITS	SCALE LBS	MIX LBS	BIN#	AM
80.00	DRY FERTILIZER	LB	152.000	12160.000	12160.000	12160.000	[]
50.000	ACRES/BATCH		80.00	TOTAL LBS	12160.000		

GUARANTEED ANALYSIS:	N	P	K	S	Z	B	
46.0	.0	.0	.0	.0	.0	.0	*****
69.9	.0	.0	.0	.0	.0	.0	* *
							* *
							* *
DATE APPLIED				TIME APPLIED	: : AM : PM		
APPLICATOR UNIT				OPERATOR	:		
REMAINING CROPS				LICENSE #	:		
WEED BED CONDITIONS	GOOD	LUMPY	TRASH	CHECKSTRIP	YES	NO	*
	WET	DRY		ORGANIC MATTER	1-3	3+	*
HERBICIDE APPLICATION:	PRE	POST		TEMPERATURE	BELOW	ABOVE	*****
	SURFACE	EARLY			NORMAL	NORMAL	
WEED TEXTURE	COARSE	MEDIUM	FINE	CROP HEIGHT	WEED HEIGHT :		
OF APPLICATION				WIND DIRECTION	WIND VELOCITY:		
PRESSURE & NOZZLES				TEMPERATURE	:		
GENERAL COMMENTS	:						

ALSO : COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS
TARGET CATEGORY : GRASS, BROADLEAVES, FUNGUS, INSECTS

INPRED. ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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Inventor: PIVOT



DEF000672

BATCH 1 OF 1

ORDER # : 025177

CROP YR : 2013

APR 11 1965

ACRES : 100

FIELD # 1

DATED : 06/25/2013

NE 68740-4073

DEF000673

MIX SHEET

BATCH 1 OF 2

V-2

FARMERS CO-OP
PO BOX 326FARMERS CO-OP
P.O. BOX 326
PILGER, NE 68766
ALSO WINDSIDE & STANTON, NE.

34214 263 AVENUE

NE 68740-4073

NE 68740-4073

ORDER # : 025187

PERMIT #:

CROP YR : 2013

APPL. # : 6

ACRES : .00

FIELD # : 1

DATED : 06/26/2013

APPLIED ACRES : 150.00

MEMO :

LAB :

FERTILIZER GROUP : DRYW

DRY FERTILIZER

UNITS : LB

INGREDIENT ID	DESCRIPTION	U/M	UNITS/ACRE	UNITS/BATCH	LBS/BATCH	SCALE LBS	MIX LBS	BIN#	RPM
UREANUTRIW	UREANUTRIW	LB	109.000	8175.000	8175.000	8175.000	16350.000		[]
			TOTAL LBS/ACRE :	109.000					
			ACRES/BATCH :	75.00	TOTAL LBS :	8175.000			

DENSITY : 50.000

ACRES/BATCH : 75.00

TOTAL LBS : 8175.000

	N	P	K	S	Z	B	
GUARANTEED ANALYSIS:	46.0	.0	.0	.0	.0	.0	*****
NUTRIENTS/ACRE :	50.1	.0	.0	.0	.0	.0	* *
							* *
							* *

DATE APPLIED :	TIME APPLIED :	AM	PM	*
APPLICATOR UNIT :	OPERATOR :			*
ADJOINING CROPS :	LICENSE # :			*
SEED BED CONDITIONS :	CHECKSTRIP :	YES	NO	*
	ORGANIC MATTER :	1-3	3+	*****
HERBICIDE APPLICATION:	TEMPERATURE :	BELOW	ABOVE	
		NORMAL	NORMAL	NORMAL
TEXTURE :	CROP HEIGHT :	COARSE	MEDIUM	FINE
OF APPLICATION :	WEED HEIGHT :			
PRESSURE & NOZZLES :	WIND DIRECTION :			WIND VELOCITY:
GENERAL COMMENTS :	TEMPERATURE :			

SEEDS : COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS
 TARGET CATEGORY : GRASS, BROADLEAVES, FUNGUS, INSECTS

INGRED. ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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Comments:

Carroll Pivot

MIX SHEET

BATCH 2 OF 2

113
 22
 FOSTER HARTZ
 44814 563 AVENUE

FARMERS CO-OP
 P.O. BOX 326
 PILGER, NE 68768
 ALSO WINSIDE & STANTON, NE.

HOBKINS NE 68740-4073

ORDER # : 025187
 PERMIT #:
 CROP YR : 2013
 APPL. # : 6
 ACRES : .00
 FIELD # : 1
 DATED : 06/26/2013

APPLIED ACRES	MEMO	LAB							
150.00	DRY FERTILIZER	UNITS : LB							
MATERIAL GROUP : DRYW									
INGREDIENT ID	DESCRIPTION	U/M	UNITS/ACRE	UNITS/BATCH	LBS/BATCH	SCALE LBS	MIX LBS	BIN#	APM
UREANUTRIW	UREANUTRIW	LB	109.000	8175.000	8175.000	8175.000	16350.000		[]
TOTAL LBS/ACRE :			109.000						
Efficiency :	50.000	ACRES/BATCH :	75.00	TOTAL LBS :	8175.000				

	N	P	K	S	Z	R	
GUARANTEED ANALYSIS:	46.0	.0	.0	.0	.0	.0	*****
NUTRIENTS/ACRE :	50.1	.0	.0	.0	.0	.0	* *
DATE APPLIED :							* *
APPLICATOR UNIT :							* *
ADJOINING CROPS :							* *
SEED BED CONDITIONS :	GOOD	LUMPY	TRASH				* *
WEED APPLICATION:	PRE	POST					*****
TEXTURE :	COARSE	MEDIUM	FINE				TEMPERATURE : BELOW ABOVE
OF APPLICATION :							NORMAL NORMAL NORMAL
PRESSURE & NOZZLES :							CROP HEIGHT : WEED HEIGHT :
GENERAL COMMENTS :							WIND DIRECTION : WIND VELOCITY:
WEEDS :	COCKLEBUR, VELVETLEAF, PIGWEED, MORNINGGLORY, SUNFLOWER, FOXTAIL, CRABGRASS, SHATTERCANE, JOHNSONGRASS						
TARGET CATEGORY :	GRASS, BROADLEAVES, FUNGUS, INSECTS						

INGRED. ID	LEGAL DESCRIPTION	POST INFORMATION	EPA #	U/M	UNITS/ACRE	LBS/BATCH	GAL/BATCH
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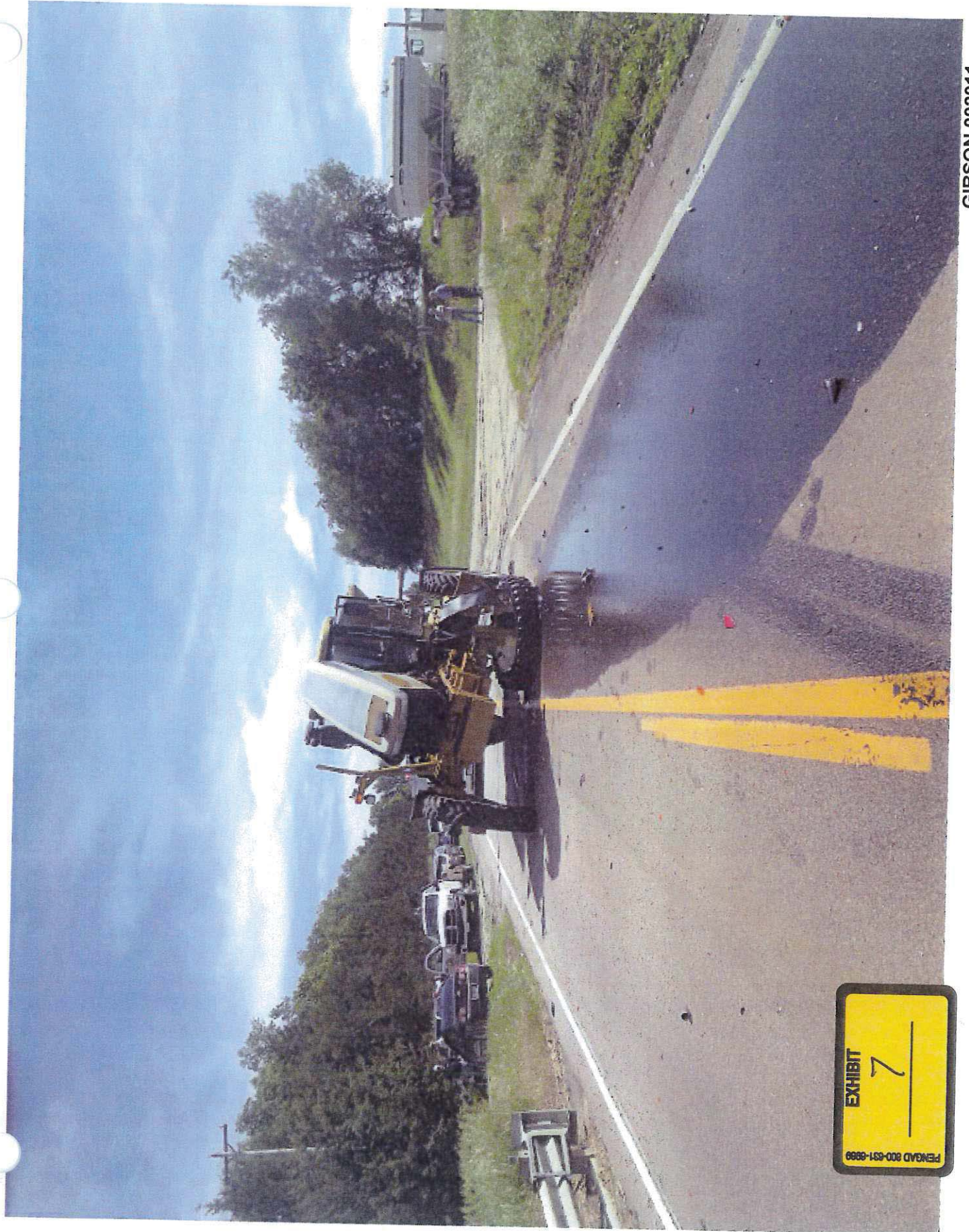
Comments:











GIBSON 002011



GIBSON 002020



GIBSON 002021



GIBSON 002029



GIBSON 002034



GIBSON 002060



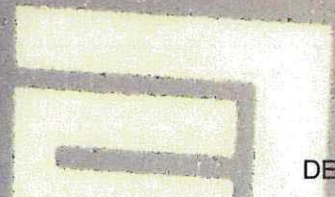
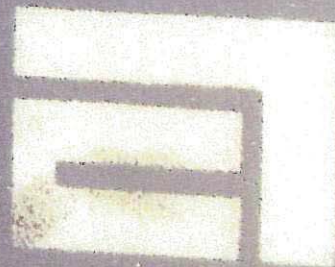


DEF000388

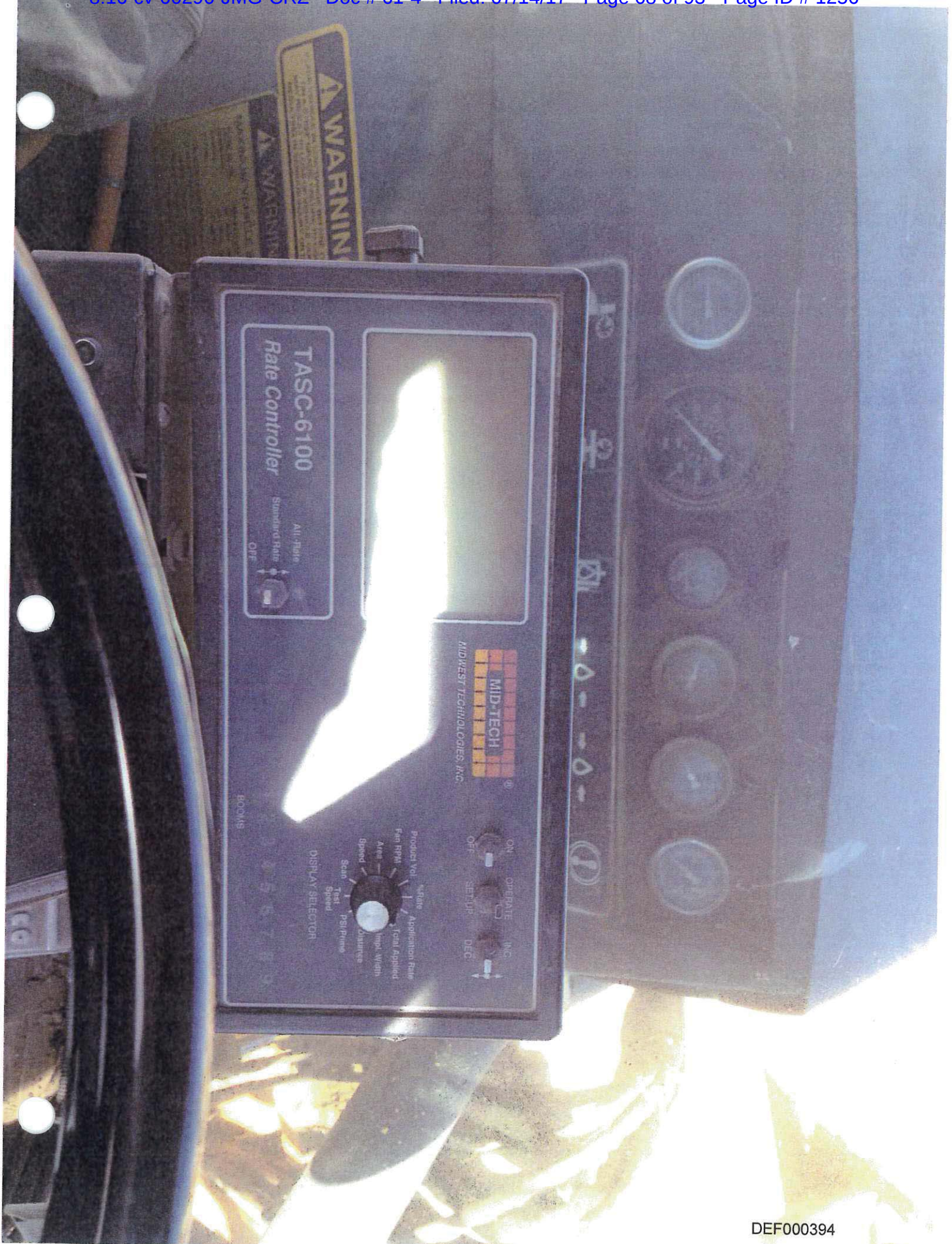
3399



GND SPD



DEF000393



DEF000394

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FOLLOWERS 65

LIKES 12

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Brieson Jensen

@BriesonJ

Joined May 2012

11 Photos and videos

Tweets

Tweets & replies

Media



Brieson Jensen

BriesonJ · 17 Sep 2013

Dear driver in front of me,
I will asshole you then skullfuck you if you
don't set your cruise at 63 like a normal
god damn person!!!!



Brieson Jensen

BriesonJ · 20 Aug 2013

I don't care if its jail time I'll do it!!!!
#statfuck



Brieson Jensen

BriesonJ · 25 Aug 2013

What in the monkey fuck with sprinkles on it is that?



Brieson Jensen

BriesonJ · 20 Mar 2014

Lessons learned this week: semis hurt...
And I may be immortal



Brieson Jensen

BriesonJ · 24 Jun 2014

Things were going great til she started using four letter words like....
Stop, don't, quit, rape

Brieson Jensen followed Ron Swanson Quotes and Bowder



Follow

Ron Swanson Quotes




Follow


Bowder


GIBSON 001798

@Ron_SwansonSays
Be A Man


@Bowdwin
I dont know where im goin' from here
but i promise it won't be boring Carpe
Diem 🌟


 **Brieson Jensen** BriesonJ 24 Jan 2013
#funfact for those that are curious Wisner's
light does change... Who knew this?


 **Brieson Jensen** BriesonJ 12 Jan 2013
I just saw a 6 year old walking and texting. What..... The..... Fuck!


 **Brieson Jensen** BriesonJ 17 Jan 2013
Holy badger holes!


 **Brieson Jensen** BriesonJ 1 Jun 2013
Would you be my girlfriend and have sex
with me as soon as possible?
#bestpickupline


 **Brieson Jensen** BriesonJ 24 May 2013
Holy duckfarts batman that's a lot of lightning

 **Brieson Jensen Retweeted**
Tucker Max TuckerMax 24 May 2013
Paul George just broke Lebrons ankles, then dunked on Birdman. My
basketball fantasies aren't even that amazing

 **Brieson Jensen** BriesonJ 24 May 2013
Fuck you pheasants take my car seriously I don't like glueing my mirror
back on everytime

 **Brieson Jensen** BriesonJ 20 May 2013
You beat two people to a red light #goodjob

 **Brieson Jensen** BriesonJ 18 May 2013
What's the point of keeping the ponies in the stable #letemrun

 **Brieson Jensen** BriesonJ 14 May 2013
Good god it's #hotterthan a fresh fucked fox in a forest fire



Brieson Jensen Brieson · 27 Apr 2013
Go away winter #youblewit



Brieson Jensen Brieson · 15 Apr 2013
Shrimp shouldn't be able to boil their own water #mindblown

How Badass is That?

In captivity, the shrimp have been known to punch through aquarium glass, totally fucking up people's rugs. In fact, the punch of the mantis shrimp is so fast, it actually lowers the pressure of the water in its path which-- conveniently for a badass sea-ninja who fancies some pre-cooked crab--boils the water around the punch. Steven Seagal's probably only done that once or twice at best.



Brieson Jensen Brieson · 18 Apr 2013
This shit is supposed to happen in December.



Brieson Jensen Brieson · 10 Apr 2013
Dear N. Korea the 2 time world champs love to smack dictators down with their #ThrobbinCockOfJustice

Brieson Jensen Retweeted



Men's Humor Men's Humor · 30 Mar 2013
Never do anything that you wouldn't want to explain to the paramedics.

Brieson Jensen Retweeted



Because I'm a Guy CauseWereGuys · 27 Mar 2013
RT if you want a 4th season of Blue Mountain State #BMS



Brieson Jensen Brieson · 22 Mar 2013
Don't! Do the Harlem shake #perisofknowledge



Brieson Jensen Brieson · 21 Mar 2013
Here we go #MarchMATness



Brieson Jensen BriesonJ 16 Mar 2013
Humanity was born of conflict this is why we have a dark side some choose to embrace it while others fight it #TodaysQuote



Brieson Jensen BriesonJ 17 Mar 2013
Welcome to nowhere, otherwise known as Nebraska- Mike Rowe #TodaysQuote



Brieson Jensen BriesonJ 16 Mar 2013
You can be a badass bridge builder, build 10,000 bridges. You suck 1 dick and youll never be known as a bridge builder #TodaysQuote



Brieson Jensen BriesonJ 1 Mar 2013
#sorry #forgiveme



Pick Six Previews PickSixPreviews 27 Feb 2013
Greatest College Football Team of All-Time? ReTweet for 1995 NEBRASKA... Favorite for 2001 MIAMI.. Comment for OTHER



Brieson Jensen BriesonJ 24 Feb 2013
Thank you mom for my bitch veins... Love you



Brieson Jensen BriesonJ 23 Feb 2013
New goal: have a date for the next wedding I go to



Brieson Jensen BriesonJ 19 Feb 2013
I feel like #dancemoms would be more popular if these children were actually grown up



Brieson Jensen BriesonJ 19 Feb 2013
Theme song for dragon ball z>>>> #getsmeexcited #marathon



Brieson Jensen BriesonJ 18 Feb 2013
Spend your energy keeping up instead of wasting it on catching up #wordstoliveby



Brieson Jensen BriesonJ 18 Feb 2013
I would collect her tears and run #gypsysisters @AmericanDream81



Brieson Jensen BriesonJ 18 Feb 2013



Congrats @LucasWiechman second is nothing to complain about unless you're Pender and it's a team title



Brieson Jensen BriesonJ 15 Feb 2013
First time in my life been kicked out of 6 seats at state wrestling #wtf #nosebleedsproblems

Brieson Jensen followed UNLCRUSHES, Kyle Dake, Claire Phillips and 2 others



UNLCRUSHES

@UNLCrushes

anonymously direct message me the name of the guy or girl you have been wanting at UNL NOT affiliated with the University of Nebraska Just for

Follow



Kyle Dake

@kyledake444

Made History! But I still have a few things I want to do

Follow

Brieson Jensen Retweeted



Lauren Burroughs Laura_Nicole 13 Feb 2013
My take: Blow to Olympic wrestling hurts youth levels
blogs.buffalonews.com/preptalk/2013/...



Brieson Jensen BriesonJ 14 Feb 2013
Hope you brushed your pubes today because we're about to go BALLS DEEP #lent

Brieson Jensen Retweeted



SportsHumor SportsHumor 14 Feb 2013
Sandlot: Honest IMDb

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The Sandlot (1993)

101 min Comedy Drama Family 2 April 1993 (USA)

Your rating:

7.6 Ratings: 7.6 from 33,150 users
Reviews: 135 users 26 critics

A pitiful dweeb humiliates himself playing baseball in an attempt to make friends in his new hometown. Trying to earn his money, he ends up being the only one who can help him.



is more... (text is partially obscured and blurry)

Director: [David M. Evans](#)

Writers: [David M. Evans](#), [Robert Gutter](#)

Stars: [Tom Cullen](#), [Mike Vitar](#) and [Patrick Benna](#) - [See full cast and crew](#)

[+ Watchlist](#)

[Watch Trailer](#) [Share...](#)

Brian Jensen Retweeted



SportsHumor · SportsHumor · Feb 2017

Little Giants: Honest IMDb

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rick moranis ed o'neill

Little Giants (1994)

107 min · Comedy · Family · Sport · 14 October 1994 (USA)

Your rating:

6.0 Ratings: 6.0 from 11,800 users
Reviews: 35 user 14 critic

In a selfish attempt to humiliate his successful older brother 40 year-old Danny O'Shea coaches a bunch of undersized, asthmatic third graders to play a cutthroat high-risk game of football against a team of elite youngsters destined for the pros. Meanwhile, older brother Kevin O'Shea nicknamed his daughter "Icebox", almost certainly guaranteeing a future battle with eating disorders

Director: [Dwight D. Dorman](#)

Writers: [James Frawley](#), [Robert Shellcrans](#) (story), and 4 more credits »

Stars: [Rick Moranis](#), [Ed O'Neill](#) and [Sherry Vinterson](#) - [See full cast and crew](#)

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Brian Jensen Retweeted



SportsHumor · SportsHumor · Feb 2017

Space Jam: Honest IMDb

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BUCKY MICHAEL JORDAN

Space Jam (1996)

88 min · Animation · Adventure · Comedy · 14 November 1996 (USA)

Your rating:

5.9 Ratings: 5.9 from 56,301 users
Reviews: 94 user 65 critic

A group of animals and an autistic man named Elmer have no choice but to play basketball to save themselves from eternal enslavement. NBA legend Michael Jordan abandons his wife and children to assist them, putting himself at risk for enslavement as well.

Director: [Joe Pytka](#)

Writers: [Leo Benvenuti](#), [Steve Rudnick](#), and 2 more credits »

Stars: [Michael Jordan](#), [Wayne Knight](#) and [Theresa Randle](#) - [See full cast and crew](#)

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Brenson Jensen Retweeted



SportsHumor SportsHumor · Feb 2013

Mighty Ducks: Honest IMDb



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The Mighty Ducks (1992) See 8000

1h 100 min Action Comedy Drama 2 October 1992 (USA)

Your rating:
 6.1 Ratings: 6.1 from 25,419 users
 Reviews: 46 user 20 critic

An attorney gets a DUI, and the judge forces him to coach some random kids in hockey. It sucks at first, but one of the kids' moms is pretty hot, and he eventually gets to score with her. Despite being a Disney movie, the film's message is clear: drinking and driving gets you babies.

Director: Stephen Herek
Writer: Steven Brill
Stars: Emilio Estevez, Josh Ackland and Lane Smith · [See full cast and crew](#)

+ Watchlist Share...

Brenson Jensen Retweeted



SportsHumor SportsHumor · Feb 2013

Angels in the Outfield: Honest IMDb



Find Movies, TV shows, and more on IMDb.com

Movies TV News Trailers Community IMDbPro



Angels in the Outfield (1994) See 8000

1h 102 min Comedy Family Fantasy 18 Jan 1994 (USA)

Your rating:
 5.7 Ratings: 5.7 from 13,853 users
 Reviews: 53 user 17 critic

An orphan prays for angels to intercede with a baseball team so that maybe he can have a dad. It works miraculously, but the angels render his happiness by telling him that Tony Danza is going to die.

Director: William Dear
Writers: Dorothy Kingsley (1994) (screenplay), and 4 more credits · [George Wells \(1991\) \(screenplay\), and 4 more credits](#)
Stars: Danny Glover, Brenda Fricker and Tony Danza · [See full cast and crew](#)


+ Watchlist Share...

Brenson Jensen Retweeted




SportsHumor SportsHumor · Feb 2013

Air Bud: Honest IMDb



Find Movies, TV shows, and more on IMDb.com

Movies TV News Trailers Community IMDbPro



Air Bud: Golden Receiver (1998) See 8000

1h 90 min Comedy Family Sport 14 August 1998 (USA)

Your rating:



4.1 Ratings: 4.1 from 2,000 users
Reviews: 10 users 25 critics

A rescued dog is thrown back into an abusive situation when his owner, 12-year-old Josh, forces him to compete in a brutal blood sport against large humans despite his fragile canine frame and inability to understand the rules. Though there are hundreds of spectators, none are compassionate enough to call and report animal cruelty.

Director: [Richard Martin](#)

Writers: [Kevin DiCicco](#) (screenplay by), [Paul Tarnasy](#) (characters), and 3 more credits »

Stars: [Kevin Zegers](#), [Cynthia Stevenson](#) and [Tim Conway](#) | See full cast and crew

[+ Watchlist](#) [Watch Trailer](#) [Share...](#)



Brieson Jensen Brieson · 12 Feb 2013

Fuck the IOC for getting rid of wrestling they can take a dick
#boycottheolympics



Brieson Jensen Brieson · 17 Feb 2013

Shame on these parents for just sitting back and letting their chilluns get verbally raped by this #bitch #dancemoms



Brieson Jensen Brieson · 17 Feb 2013

Watching #dancemoms and guessing who will kill themselves who will be a stripper and who will be a whore



Brieson Jensen Brieson · 17 Feb 2013

Don't stop don't stop we're in luck now don't stop don't stop there's so much to be found



Brieson Jensen Brieson · 11 Feb 2013

Krillin you pile of shit #dbz



Brieson Jensen Brieson · 11 Feb 2013

I get home to find out the tv doesn't work... #whyisthishappening
#shouldvestayed



Brieson Jensen Brieson · 14 Feb 2013

"@SptrsHumor: Updated NCAA BBall Rankings:
116.Towson
117.Prairie View AM
118.Jacksonville State
119.Louisiana State
120.Michigan State

119.UNC @_NiceGuyNate



Brieson Jensen Brieson Jensen · 14 Feb 2013

These shorts compliment my body well #shortshorts #likeaboss



Brieson Jensen Brieson Jensen · 8 Feb 2013

Crying women honestly my kryptonite



Brieson Jensen Retweeted



SportsHumor SportsHumor · 6 Feb 2013

Another National Daycare Signing Day - Barrett "Bear" Chester

Welcome New User 7-Day Free Trial! Sign In Help

Rivals.com Yahoo! Sports

rivals.com Babies Search Web

Home NFL MLB NBA NHL NCAAF NCAAB NASCAR Golf UFC Boxing Soccer Action Sports

Football Recruiting Home Latest News Boards/Blog Database Rankings Commitments Videos Contact Info

BARRETT "BEAR" CHESTER

Latest News Stats

Rivals Rating ★★★★★

RANKINGS NATIONAL 14 STATE 8

RECRUIT BIO:

This kid came out with superior neck strength to hold his giant baby head and by the one month mark he was squatting 3 full bottles and was curling rattles. He is already climbing onto the couch, but is injury prone presumably due to his constant bottles with the cat. He has already been removed from 6 play groups for pushing and stealing animal crackers. Will need work sharing, but he will be a big-time pick up for any daycare.

RIVALS' PREDICTION:

AUNTIE SUE'S HOUSE

Like 20 Tweet Email Print



Brieson Jensen Retweeted



CA in CA JetBMSback · 1 Feb 2013

Retweet to get @spiketv to bring back BMS



Brieson Jensen Retweeted



Jordan Burroughs jburroughs · 8 Feb 2013

I just stopped by a basketball shoot around after wrestling practice and it took me 18 shots before I made a 3 pointer. #wrestlerproblems



Brieson Jensen followed ASMDSS, Nathan Brooks, Chett and 4 others





ASMDSS
@asmdss


Read about and share the crazy off the wall, hilarious and just downright awesome shit your Drill Sergeants said



Nathan Brooks
@_NiceGuyNaie

Semi-profesional snuggler attainer of awkward hellos


Brieson Jensen Retweeted



Men's Humor Men's Humor · 2 Feb 2013

Be Fucking Awesome.


Brieson Jensen Retweeted



Husker Wrestling HuskerWrestling · 30 Jan 2013

Coach Osborne will be the guest coach at the NU vs MSU dual Fri at 7 PM. RT for a chance to win a T.O. signed @HuskerWrestling shirt.

Brieson Jensen Retweeted




BigTenPartyStories BigTenPartyStories · 28 Jan 2013

Everyone who retweets this within the next hour will get a follow back !!! #lets go

Brieson Jensen BriesonJ · 28 Jan 2013

I'm not an alcoholic I'm an alcohol enthusiast... Alcoholic has such a negative connotation

Brieson Jensen Retweeted



BigTenPartyStories BigTenPartyStories · 27 Jan 2013

Finalist #4 from Nebraska @hankersheets





Brieson Jensen BriesonJ 20 Jan 2013
I feel like being young again #cartoonsaturday



Brieson Jensen Retweeted



CatholicWonka CatholicWonka 24 Jan 2013
Dear mainstream media. Half a million will #MarchForLife in DC this morning. And you're covering the on-line dating habits of athletes.



Brieson Jensen BriesonJ 25 Jan 2013
Dear espn, no one gives a shit about #te'o
stop fucking talking about him



Brieson Jensen BriesonJ 23 Jan 2013
#onlyinnebraska



Brieson Jensen BriesonJ 18 Jan 2013
'Just fuck her into a sex coma' #roomateconversations



Brieson Jensen

Brieson · 15 Jan 2013

#goodthursday #anybetter?



Brieson Jensen

Brieson · 16 Jan 2013

"@TuckerMax: People super angry at Lance Armstrong Yes he cheated & lied..about riding a bicycle in France. Get perspective"
@likeaHASS_21



Brieson Jensen followed Jordan Burroughs, BigTenPartyStones, Mark Manning and Husker Wrestling



Jordan Burroughs

@alliseeisgold

Wrestle . Win . Repeat Husband Dad
Husker 3x World Champion 2012
Olympic Champion 2016 Olympian
Fighting the good Fight

Follow



BigTenPartyStones

@B10PartyStones

Showing the world how the Big Ten parties. Picture contest every Sunday. Winners receive free tailgate tanks and becomes our profile picture for a week

Follow



Brieson Jensen

Brieson · 14 Jan 2013

Go Atlanta! #itwasclose



Brieson Jensen BriesonJ 1 Jan 2013

shes holding that whip in a way that tells me shes into some kinky shit....

Retweeted by 1 person



Brieson Jensen BriesonJ 9 Jan 2013

What I just did in that bathroom is considered a war crime

Retweeted by 1 person



Brieson Jensen Retweeted



Men's Humor Men'sHumor 9 Jan 2013

Waking up was the second hardest thing this morning.

Retweeted by 1 person



Brieson Jensen BriesonJ 8 Jan 2013

Who would have thought home shopping could be so entertaining

Retweeted by 1 person



Brieson Jensen Retweeted



Tucker Max TuckerMax 7 Jan 2013

I thought Notre Dame boys would know how to fight back when someone is ramming it down their throat. Guess not.

Retweeted by 1 person



Brieson Jensen BriesonJ 5 Jan 2013

My tummy is making noise an excorsist would run away from

Retweeted by 1 person



Brieson Jensen BriesonJ 6 Jan 2013

I saw Wilson's face on home improvement #hfs

Retweeted by 1 person



Brieson Jensen BriesonJ 5 Jan 2013

Macchiato the only coffee you should drink is black with possibly a little whiskey... Or a lot #damnfew

Retweeted by 1 person



Brieson Jensen BriesonJ 6 Jan 2013

Rodney #TVShowsThatNeedToComeBack

Retweeted by 1 person



Brieson Jensen BriesonJ 6 Jan 2013

If it takes 20 minutes for this oraquick to tell if you have HIV why does it take 5 days for the hospital #cantwork

Retweeted by 1 person



Brieson Jensen Retweeted



Men's Humor Men'sHumor 4 Jan 2013

When girls have a great night out, they talk about it for months. When guys have a great night out, that night will never be spoken of.

Retweeted by 1 person

GIBSON JENSEN REWRETER



Fake Bo Pelini · Fake Pelini · 3 Jan 2013

GO HOME CARL RT @ArizonaNewsnet: Fiesta Bowl: Section 404 women's restroom evacuated due to intoxicated male passed out on the floor

Retweeted by 12 people



Brieson Jensen · Brieson · 3 Jan 2013

My grandpa's futon from before world war 2. #notverycomfy #itldo



Retweeted by 12 people



Brieson Jensen · Brieson · 3 Jan 2013

#SexPositionOfTheWeek the spider

Retweeted by 12 people



Brieson Jensen · Brieson · 2 Jan 2013

#StoryBehindMyScar a crazy little girl cut me @takeme2Court #waiting on the VIP pass

Retweeted by 12 people



Brieson Jensen · Brieson · 2 Jan 2013

NOT THE BUGGY #amishmafia #dontmesswithamansbuggy

Retweeted by 12 people



Brieson Jensen · Brieson · 1 Jan 2013

What happened to the original guy from dual survival #thisguysretarded

Retweeted by 12 people



Brieson Jensen BriesonJ 1 Jan 2013

Alright to get to know people if you know 5+ #eskimobrothers or #eskimosusters ?

17 10 11



Brieson Jensen BriesonJ 1 Jan 2013

As a plus our offense gonn rape next year #ihope

17 10 11



Brieson Jensen Retweeted!



Fake Bo Pelini FakePelini 1 Jan 2013

Look on the bright side, we missed ZERO tackles on that TD

17 10 11



Brieson Jensen BriesonJ 1 Jan 2013

Convincing your parents you weren't a booty call #hardestpartof2012

17 10 11



Brieson Jensen BriesonJ 31 Dec 2012

I'm a lil foggy but I'm pretty sure I did you fucksticks a favor #damnfew

17 10 11



Brieson Jensen BriesonJ 31 Dec 2012

Predator only hunts in tropical jungles.... I hope #archer #cantwait

17 10 11



Brieson Jensen BriesonJ 31 Dec 2012

Amish chick doing a keg stand
#amishmafia #hfs
#needtogotopennsylvania

17 10 11



Brieson Jensen BriesonJ 31 Dec 2012

No problem I just give up the comfortable part of my bed and my pillows for everyone #nothankyou?

17 10 11



Brieson Jensen BriesonJ 30 Dec 2012

Rectum? Damn near killed him #namethatmovie

17 10 11



Brieson Jensen BriesonJ 29 Dec 2012

Bloody Mary full of vodka blessed are you among cocktails #archer

17 10 11



Brieson Jensen BriesonJ 29 Dec 2012

Shawshank redemption Morgan Freeman's best movie

#narrateslikeaboss



Brieson Jensen Brieson 20 Dec 2012

Watching new karate kid the mom stays in the stands when he breaks his leg #thatsbelievable #bullshit



Brieson Jensen Brieson 23 Mar 2012

Not everything's a race but you can come first in a lot of things #philosophy



Brieson Jensen Brieson 25 Dec 2012

This is not pop Warner they hit puberty before me



Brieson Jensen Brieson 26 Dec 2012

I should not be this hung over



Brieson Jensen Brieson 24 Dec 2012

At that age I was going to movies to see tits #shitmydadsays #christmaseye #lovewine



Brieson Jensen Brieson 25 Dec 2012

guy with a good sense of humor...because thats not #objective as shit... be more specific



Brieson Jensen Brieson 23 Dec 2012

There are legit dodgeball competitions on tv right now @McCainical_bull



Brieson Jensen Brieson 23 Dec 2012

Watch #amishmafia saw John carrying 50+ solo cups in a scooter



Brieson Jensen Brieson 22 Dec 2012

Thank god it's not gonna be a catholic wedding



Brieson Jensen Brieson 22 Dec 2012

This wedding is gonna #SUCK




Brieson Jensen Brieson 21 Dec 2012


Mr. Chips/crackers I know your secretly a healthy Pringles pizza flavor



Brieson Jensen Brieson 13 Dec 2012

Fuck mv save file on Pokemon not distorted #pokemonrabs

 I want my ears the only one men get checked #penispride

 Brieson Jensen Retweeted




Earl Dibbles Jr.™ Earl Dibbles Jr. · 10 Dec 2012

Dear Santa- I been good. Didn't pull out any stuck city boys, practiced my words, & course I worked hard. I need: dip, cold ones, bucks.



Brieson Jensen Brieson Jensen · 10 Dec 2012

I need a Spanish speaking person asap #ifonlygoogletranslatedvideos

 Brieson Jensen Retweeted



Fake Bo Peini Fake Bo Peini · 12 Dec 2012

@JManziel2 Hi FYI nobody has ever won a Heisman at two different schools, we could make history call me plz




Brieson Jensen Brieson Jensen · 17 Dec 2012

It's not gay if its Sean Connery #hecandoashepleases



Brieson Jensen Brieson Jensen · 16 Dec 2012

Best clothing commercial belongs to #deluthtradingco

 Brieson Jensen followed KingCash, abby o, Whitney Layne Hansen and 14 others



KingCash

@CashTag12

Carpe Diem our here grinding on the road to success. #BossLife Future Golf Pro

 Follow



abby o

@not_too_shABBY

eating food since 1994 "good vibes only"

 Follow

 Brieson Jensen Retweeted



Men's Humor Men's Humor · 11 Dec 2012

That little gasp the beer makes when you open it. That's the sound of freedom!




Brieson Jensen Brieson Jensen · 13 Dec 2012


Downloaded snap chat just to send @AmericanDream81 #dicpics






Brieson Jensen Brieson Jensen · 12 Dec 2012


The doctor said Santa needs healthier eating. I say Santa has less


 The doctor said Santa needs healthier cookies... I say Santa has long
overshot his life expectancy so give the fatty cookies #helpsanta

 **Brieson Jensen** BriesonJensen 11 Dec 2012
Scientists in china have literally made a brain out of piss #wtf
#whowakesupandthinksthat


 **Brieson Jensen** BriesonJensen 11 Dec 2012
Is there actually a p Sherman at 42
wallaby way? #childhood #icanonlyhope


 **Brieson Jensen** Retweeted
 **Tucker Max** TuckerMax 9 Dec 2012
Im starting a tampon company. The slogan, "We're not the greatest
thing in the world, but we're up there. Strings attached."


 **Brieson Jensen** BriesonJensen 9 Dec 2012
That's awesome! He looks so good, like...a rapist #shitmyroomatesays


 **Brieson Jensen** BriesonJensen 8 Dec 2012
When the fuck will this year be over???

 **Brieson Jensen** BriesonJensen 8 Dec 2012
Fuck yes #jonnyfootball

 **Brieson Jensen** BriesonJensen 8 Dec 2012
#cbssports stop focussing on him he's already depressed

 **Brieson Jensen** BriesonJensen 8 Dec 2012
Well thank you #Army for fucking up my second Saturday in a row

 **Brieson Jensen** BriesonJensen 8 Dec 2012
Can't tackle the scrambling quarterback
sounds like another football team I've been
watching all season

 Brieson Jensen followed UNLboobs, kyle boyle, Dalton Mohlfeld and Mason McCain





UNLboobs
@UNLboobs
We don't want nudity You can email
pics to nubboobs@gmail.com



kyle boyle
@hankersheets
Slow wide turns brotha



Brieson Jensen Brieson Jensen · 26 Nov 2012
Fuck!



Brieson Jensen Brieson Jensen · 26 Dec 2012
Why the hell do I support teams that do this to my heart



Brieson Jensen Brieson Jensen · 7 Jan 2013
What the fuck #Army



Brieson Jensen Brieson Jensen · 8 Dec 2012
#Army is gonna ruin my weekend for the second week if they don't win



Brieson Jensen Brieson Jensen · 4 Dec 2012
Yeah she was definitely wearing a children's toy #giftforallages
#VSFashionShow



Brieson Jensen Brieson Jensen · 4 Dec 2012
#VSFashionShow makes my year



Brieson Jensen Brieson Jensen · 10 Nov 2012
Snow White and the seven dwarfs was actually based upon cocaine
and the seven dwarfs were each side effects from the drug.



Brieson Jensen Brieson Jensen · 1 Dec 2012
How some gets lost from Fremont to
Norfolk blows my mind #youdontturn



Brieson Jensen Brieson Jensen · 1 Dec 2012
Well today I have done nothing but make racial jokes thank you army
for wasting my #birthday



Brieson Jensen Brieson Jensen · 30 Nov 2012
I love when I'm on the armv's for my birthdav #shitnoonesavs



Brieson Jensen BriesonJensen 27 Nov 2012

#4WordsAfterSex told you I'm good

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

You boys are gonna get hurt physically and... Metaphysically #si

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

#4WordsAfterSex google didn't prepare me

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

You're like a young coon what you can't destroy you poop on

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

Dear science channel thank you for dragging an interesting 20 minute show into an upsetting hour with a commercial every 3 minutes #dicks

Retweeted by 1 person

Brieson Jensen Retweeted



Fake Bo Pelini FakePelini 29 Nov 2012

And Rex Burkhead was named Big Ten First Team All-Awesome

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

I hope thanksgiving falls on a Thursday again next year

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

I know he's dead but evry time I watch #hatfields&mccoys I feel bad for cotton

Retweeted by 1 person



Brieson Jensen BriesonJensen 29 Nov 2012

Thankful for #JamesBondmarathon and I guess I'm thankful I have lived through the last year #luckhasntrunoutyet

Retweeted by 1 person

Brieson Jensen Retweeted



Ramsey Jensen ramseyjensen 22 Nov 2012

S/O to all the military men and women serving who can't be home with their family today! #imthankful #happythanksgiving


Retweeted by 1 person





Brieson Jensen BriesonJensen 15 Nov 2012

Why can't all college tour guides be this #awesome #swappingdrinkingstories

Retweeted by 1 person

 **Brieson Jensen** Brieson 13 Nov 2012
So #burnnotice #theleague #themenwhobuiltamerica and #spartacus #howmuchbettercanitget

 **Brieson Jensen** Brieson 13 Nov 2012
Smile if you love #mensprostates

 **Brieson Jensen** Brieson 13 Nov 2012
Loving the fact that I pay for satellite and I only get the most random group of #famtv in my room #greatinvestment

 Brieson Jensen followed Duck Commander and Fake Bo Pelini



Duck Commander

@Duck_Commander

Official Duck Commander® Twitter account. Reality TV series Duck Dynasty on A&E. #FaithFamilyDucks

 Follow





Fake Bo Pelini


@FauxPelini


Coach, yeller, philanthropist, anger manager. (Parody account). FauxPelini@gmail.com


 Follow

 **Brieson Jensen** Brieson 10 Nov 2012
So that's what happens when maher doesn't shank a punt

 **Brieson Jensen** Brieson 10 Nov 2012
Side effects of being a fan of the #huskers may include but are not limited to heart problems, lowered life expectancy, and alcohol abuse

 **Brieson Jensen** Brieson 10 Nov 2012
Slowly losing faith in the huskers

 **Brieson Jensen** Brieson 9 Nov 2012
Workout interrupted 3 times by people asking me to party #smalltownproblems

 **Brieson Jensen** Brieson 8 Nov 2012
2 full hours of #burnnotice a full case of diesel and a bottle of windsor

#greatthursdaynight



Brieson Jensen BriesonJ 17 Oct 2012
Saw the Roomate throw up pure flem #heneedsadoctor



Brieson Jensen Retweeted



Tucker Max TuckerMax 24 Oct 2012
Not a lot of sympathy for you, New York. You can expect more plagues and disasters as long as you refuse to start Tebow



Brieson Jensen BriesonJ 24 Oct 2012
Went for a run came back found out there was a shooting in the neighborhood #safehood



Brieson Jensen BriesonJ 19 Oct 2012
well my liver has wrote its congressman my head feels like an obese elephant has stomped on it my colon is disappointed in me #hungover



Brieson Jensen BriesonJ 10 Oct 2012
I miss Jamal Lord!



Brieson Jensen Retweeted



Eric Shoemaker EricShoe 10 Oct 2012
I'm too drunk to even know what's going on in this husker game. Proof? It took me 10 minutes to tweet this.



Brieson Jensen BriesonJ 4 Oct 2012
If your crotch could sing one song, what song would it be? #philosophy mine would be good morning beautiful



Brieson Jensen Retweeted



The Struggle Bus FausOnFire 23 Sep 2012
Clomipramine is a drug that causes certain people to orgasm whenever they yawn.



Brieson Jensen BriesonJ 1 Oct 2012
I wanna find that type of girl that doesn't have emotions #breakingamish #amishlife



Brieson Jensen BriesonJ 1 Oct 2012
Are king size blankets called presidential size



Brieson Jensen BriesonJ 30 Sep 2012
Got tanded in a race fight last night



Brieson Jensen followed Makenzie Kalkowski, Prudence Biemann, Jon Gunderson and 10 others



[Follow](#)

Makenzie Kalkowski

@KenzieKalkowski

Small town girl. Big city dreams. UNL
THETA



[Follow](#)

Prudence Biemann

@PrudenceBiemma1



[Back to top](#)

New to Twitter?

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own personalized
timeline!

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[Refresh](#)



Ben Huber
BenHuber



Ramsey Jensen
ramseyjensen



Travis Oligmu
TravisOligmu



Spencer Scha
SchultzS



Derick Hass
DerickHass

Trends

#RNCinCLE
304K Tweets

#TheInternetIn4Words
12.7K Tweets

#SHAREGIRLSTALKBOY
317K Tweets

#Flem

MELODY
Started trending in the last
hour

#NashsNewVideo
40K Tweets

Arian Foster
20.4K Tweets

WE LOVE YOU SELENA
31.1K Tweets

Mike Lee
Started trending in the last
hour

Never Trump
15.4K Tweets

Tila Tequila
Trending for 2 hours now

60-6,111. Persons riding animals or driving animal-drawn vehicles; farm implements; duties.

(1) Any person who rides an animal or drives an animal-drawn vehicle, a farm tractor, or an implement of husbandry upon a roadway shall be granted all of the rights and shall be subject to all of the duties made applicable to the driver of a vehicle by the Nebraska Rules of the Road except those provisions of the rules which by their very nature can have no application.

(2) Whenever the slowness of such animal, animal-drawn vehicle, farm tractor, or implement of husbandry is obstructing the normal flow of traffic, the rider or driver shall drive to the nearest available shoulder of the highway and allow traffic to pass.

Source: Laws 1973, LB 45, § 5; R.S.1943, (1988), § 39-605; Laws 1993, LB 370, § 207.

